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Convention on the Rights of Persons with Disabilities

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Committee on the Rights of Persons with Disabilities

Initial report submitted by Georgia under article 35 of the Convention, due in 2016*

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Introduction

1. This is the initial report of the Government of Georgia on the implementation of the Convention on the Rights of Persons with Disabilities submitted under Paragraph 1 of Article 35 of the Convention. The Convention was ratified by the Parliament of Georgia on December 26, 2013 by the Decree N1888-RS. Convention entered into force on April 12, 2014. Furthermore, within the framework of 2nd cycle of the Universal Periodic Review, Georgia supported recommendations relating to the accession to the Optional Protocol of the Convention.

2. The report was prepared in accordance with the Guidelines on treaty-specific document to be submitted by states parties under Article 35(1), of the Convention on the Rights of Persons with Disabilities adopted by the Committee on the Rights of Persons with Disabilities (CRPD/C/2/3). The purpose of the present report is to inform the Committee on the Rights of Persons with Disabilities on the situation in Georgia with regards to the protection of the rights of persons with disabilities and the measures implemented by the state in this respect.

3. The report has been elaborated within the framework of inter-agency working group, coordinated by the Human Rights Secretariat of the Administration of the Georgian Government. The following agencies participated in the process of preparing the report: The Ministry of Labour, Health and Social affairs, the Ministry of Justice, the Ministry of Education and Science, the Ministry of Internal Affairs, the Ministry of Economy and Sustainable Development, the Ministry of Infrastructure and Regional Development, the Ministry of Foreign Affairs, the Ministry of Sport and Youth Affairs, the Ministry of Corrections and Legal Assistance, the Ministry of Culture and Monument Protection, the Ministry of Finance, Tbilisi Mayor's Office, the Central Election Commission of Georgia and the Office of the Personal Data Protection Inspector. The draft report was provided to the Public Defender, non-governmental and international organizations and their contributions are reflected in the report to the extent possible.

4. Georgia is the state party to a number of United Nations and Council of Europe international human rights instruments. Georgia submits reports on their implementation on a regular basis. Furthermore, in accordance with the Association Agreement concluded with the European Union, Georgia is in constant process of harmonizing Georgia's legislation with the EU *acquis*.

I. General information

Application of the Convention in the occupied territory of Abkhazia, Georgia and Tskhinvali region/South Ossetia, Georgia

5. The Government of Georgia has been consistently pursuing its policy aimed at ensuring full enjoyment of the rights provided in the Convention for the entire state population. However, the obstacles of outstanding gravity were imposed on the Georgia's regions of Abkhazia and Tskhinvali Region/South Ossetia which remain under military occupation of the Russian Federation.

6. As a result of military aggression, creeping annexation and occupation policy, well-planned and systematically implemented by the Russian Federation regarding the territory of Georgia, between 1991 and 2015 several hundreds of thousands of persons were expelled from their homes to become IDPs and refugees and they have been deprived of their internationally recognized right to a voluntary, safe and dignified return to places of their permanent residence.

7. As a result of Russia's illegal actions, the Government of Georgia as well as the legitimate authorities of these regions currently in exile, are unable to exercise effective control of the territories to give effect to the provisions of the Convention. While Georgia fully undertakes its obligation to take all possible measures for implementing the provisions

of the Convention, preventing its possible breaches and terminating its ongoing violations, at the same time, it contends that the primary responsibility for violations of the Convention in these regions rests with the Russian Federation.

8. Human rights violations occurring in the occupied territories on a frequent basis include but are not limited to: kidnappings, robberies and assaults, violation of the right to life, torture and ill-treatment, arbitrary detentions of ethnic Georgians, systematic and gross violations of property rights of ethnic Georgians, restriction of freedom of movement, the restriction of the ethnic Georgian school children to receive education in their native language.[1]

9. The occupation line along the administrative boundary line with Abkhazia and the Tskhinvali Region separates Georgia from its two occupied territories. In the spring of 2011, the Russian occupation forces intensified the process of the installation of barbed wire fences and other artificial obstacles along the occupation lines in Abkhazia, Georgia and the Tskhinvali region/South Ossetia, Georgia (placed in 2009). Currently, the total length of artificial barriers along the occupation lines is 63 km. Russia continues to place undue restrictions on the local population wishing to cross the occupation line[2] often leading to casualties among those locals, including children and women, seeking urgent medical treatment. People are regularly detained by Russian FSB border guards for so called "illegal border crossings".

10. For years, the Georgian authorities have been advocating the involvement of international organizations in the issue of the protection of human rights in the occupied regions of Georgia as well as significance of the access of international human rights monitoring mechanisms in these areas. The occupying power, exercising effective control, continues to prevent numerous international organizations, including humanitarian, from entering those territories.

II. General provisions of the Convention

Articles 1–4

11. Constitution of Georgia (hereinafter referred to as "the Constitution") represents the supreme law of the state, providing for the universally recognized human rights and freedoms. According to Article 14 of the Constitution: "Everyone is born free and is equal before the law, regardless of race, skin color, language, sex, religion, political and other beliefs, national, ethnic and social origin, property and title of nobility or place of residence". Based on the well-established practice of the Constitutional Court of Georgia, Article 14 of the Constitution does not provide a complete list, in particular "the aim of the said Article of the Constitution is greater in scope, than the prohibition of discrimination based on the limited list provided".

12. In accordance with Paragraph 2 of Article 6 of the Constitution, "the legislation of Georgia corresponds with universally recognized norms and principles of international law. International treaties or agreements concluded with and by Georgia, if they do not contradict the Constitution of Georgia, take precedence over domestic normative acts".

13. On 2 May 2014, the Parliament of Georgia adopted the Law of Georgia on the Elimination of All forms of Discrimination, which consolidated and harmonized the relevant anti-discrimination provisions interspersed in the legislation of Georgia. The aim of the Law is to eliminate all forms of discrimination and to ensure that rights established by the legislation of Georgia are equally enjoyed by any physical and legal person, regardless of race, skin color, language, sex, age, citizenship, origin, place of birth, place of residence, property and title of nobility, religion or faith, national, ethnic and social origin,

[1] See Annex — Quarterly Reports of the Ministry of Foreign Affairs of Georgia on the Human Rights Situation in the Occupied Regions of Georgia.

[2] Resolution 1683 (2009) "The War between Georgia and Russia: One Year After", Parliamentary Assembly of the Council of Europe (PACE), paragraphs 5 and 7.

profession, marital status, health condition, disability, sexual orientation, gender identity and expression, political and other beliefs.

14. Law of Georgia on Social Protection of Persons with Disabilities of 1995 defines the basis of state policy towards persons with disabilities and aims at realization of the rights of persons with disabilities equally with other persons, creation of favorable conditions for their appropriate living and for their participation in economic and political life.

15. After the ratification of United Nations Convention on the Rights of Persons with Disabilities, in 2014, the definition of persons with disabilities was changed and based on a social model. In particular, in accordance with Article 2 of the Law of Georgia on Social Protection of Persons with Disabilities and Article 3 of the Law of Georgia on Medical and Social Expertise, "Persons with disabilities are persons with substantial physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder their full and efficient participation in society on an equal basis with others".

16. In 2015, in line with amendments made to the Civil Code of Georgia and to 67 other respective laws, fundamental legal capacity system reform has been carried out. Prior to the implementation of the reform, a person with mental and psychical impairments, to whom the court conferred a status of legally incapable person based on the diagnosis of mental disorder, was deprived off civil rights and these rights were transferred to his/her legal guardian without special authorization. Based on the amendments, as a result of psycho-social expertise, for the support in the exercise of legal capacity, a supporter shall be assigned to the person with psycho-social needs and the scope of support shall be determined by the court.

17. In 2005, the term "inclusive study" was first recognized by the Law of Georgia on General Education. In accordance with the amendments to the same Law made on 15 December 2010, the term "inclusive study" was defined as "inclusive education". According to the Law, one of the government's main priorities is to promote inclusive education.

18. Despite amendments made to the Georgia Law, the legislation still contains terms that are incompatible with the principles of the Convention and are based on the medical perception of disability. Furthermore, the Georgian legislation does not recognize such notions as "reasonable accommodation" and "universal design". Furthermore, certain provisions of various normative acts do not correspond to the principles established by the Convention. Therefore, with the view of harmonizing the national legislative framework with the principles of the Convention, one of the priority objectives of the Governmental Action Plan on Human Rights for 2016–2017 is the development of draft amendments and their submission to the Parliament of Georgia.

19. In accordance with Article 10 of the Law of Georgia on Medical and Social Expertise, the status of disability is defined in terms of moderate, significant or severe limitation of capability. The status is granted according to the decree of the Minister of Labour, Health and Social affairs on "the instruction on the rule of defining the status of disability" based on conclusions of the medical-social expertise, issued by a licensed medical facility. As a result of the above procedures, an adult person is granted a severe, significant or moderate disability status. In the case of a child the status is granted based on the decree of the Minister of Labour, Health and Social Affairs, which defines the rule for granting a disability status to a person under 18 and includes a list of diseases and defects that constitute the basis for defining disability.

20. In accordance with Article 5 of the Law of Georgia on the Social Protection of Persons with Disabilities, the Government recognizes the sign language as a mean of interpersonal communication and provides necessary conditions for its development and application.

21. In order to ensure accessibility of physical infrastructure for persons with disabilities and their inclusion in social life, on January 6 2014, the Government of Georgia adopted a Resolution N41 on the Creation of Areas for Persons with Disabilities and Technical Regulation of Architectural and Planning Elements providing for incorporation of standards for accessible physical environment for persons with disabilities in the process of planning

and construction. Observation of implementation of the above requirements is mandatory for every organization, which runs planning and development projects, or implements these projects.

22. On 30 April 2014, the Parliament of Georgia adopted the National Strategy on Human Rights for 2014–2020. 15th strategic objective of the Strategy focuses on the protection of the rights of persons with disabilities. In order to implement the above Strategy, with the Decree N445 of 9 July 2014 the Government of Georgia adopted Governmental Action Plan on Human rights for 2014–2015. An Inter-agency Council chaired by the Prime-Minister was established in order to coordinate and monitor the implementation process of the Action Plan. All of the Ministers are members of the Council and the Public Defender of Georgia as well as non-governmental and international organizations has a voting right within the Council. Moreover, the chapter on persons with disabilities of the Governmental Action Plans on Human rights for 2014–2015 and 2016–2017 envisage measures to introduce principles of the Convention in the development of which persons with disabilities and representatives of international organizations working on issues of disability were actively involved. Furthermore, with the Decree N76 of 20 January 2014 the Government adopted the Action Plan on Ensuring Equal Opportunities for Persons with Disabilities for 2014–2016, which consolidates all actions to be undertaken by the Government of Georgia for the protection of the rights of persons with disabilities and for the accomplishment of the Convention principles. Persons with disabilities and non-governmental organizations working on the issues related to persons with disabilities have been involved in the course of the development of the action plan.

23. .Decree of the Parliament of Georgia of 13 February 2004 approved the main directions of social policy for the protection of the rights of children with disabilities. Stemming from the fact that current challenges facing the country drastically differ from the situation of the respective period, the document needs an update.

24. The Parliament of Georgia approved the concept of social integration of persons with disabilities under the Decree N604 of 2 December 2008. The concept constitutes the primary policy document of the state with respect to persons with disabilities and defines the vision of the state in this respect. It should be highlighted that this document requires modification taking into consideration current challenges and the need for its harmonization with Convention principles.

25. By the Decree N174-Is of 11 December 2013, the Parliament of Georgia approved the State Concept on the Protection of Mental Health, which complies with the provisions of the Convention. The Concept is based on fundamental principles: universality, social equality, medical accessibility, solidarity, sustainability, and right to participate in decision-making process, respect of human dignity, transparency and accountability.

26. The Government of Georgia, by the Decree N762 of 31 December 2014 approved the Strategic Document for 2015–2020 on Mental Health Development and the Action Plan, the primary aim of which is to foster the prevention of mental impairments, to protect the rights of persons with mental disorder, diminish the percentage of sickness and mortality as a result of mental disorder in Georgia, ensure self-determination of persons with mental disorders and their integration into the society.

27. "State Program on Social Rehabilitation and Child Care" is annually approved by the Decree of the Government of Georgia. One of the aims of sub-programs of this document is social integration of persons, and especially children with disabilities into the society and their engagement in various sectors of life. This program is administered by the Legal Entity of Public Law of the Ministry of Labour, Health and Social Affairs of Georgia — the Social Service Agency with its 12 regional and 62 district centers (information on these programs is provided in reports of various articles of the Convention). In order to ensure monitoring of the implementation of sub-programs operating within the framework of the state program, in 2015, the monitoring division has been set up within the Social Protection Department of the Ministry of Labour, Health and Social Affairs. Based on the monitoring results of 2015, the said programs do not fully cover the needs of persons with disabilities and require increase of geographic accessibility and improvement of quality of services.

28. The Decree of the Government of Georgia annually approves the "State HealthCare Program", the essential part of which covers the needs of persons with disabilities (for more information, please see the report on Article 25).

III. Information on the implementation of the Convention provisions

Article 5 — Equality and non-discrimination

29. As it was already mentioned, on 2 May 2014 the Parliament of Georgia adopted the Law of Georgia on Elimination of All forms of Discrimination (hereinafter referred to as "the Anti-Discrimination Law"). Elimination of discrimination and ensuring of equality has been conferred upon the law to an independent body — the Public Defender of Georgia. For the purpose of implementing functions under the Anti-Discrimination Law, a structural unit — Department of Equality has been set up within the Public Defender's Office of Georgia. For full implementation of increased functions, budget of the Public Defender's Office has increased by 68% in 2016 and by 12.5% in 2016.

30. Based on the Anti-Discrimination Law, discrimination is prohibited both in public and private sector. Furthermore, the law makes an important reservation that the "temporary special measures intended to accelerate de facto equality, especially in gender, pregnancy, and maternity issues, also, with respect to persons with limited capabilities" shall not be considered as discrimination. Significant innovation of the Law is that it prohibits multiple discrimination which is defined in the law as "discrimination based on the combination of two or more characteristics".

31. Public Defender's Office receives and examines applications and complaints of natural and legal persons or groups of persons, who consider themselves to be a victim of discrimination. In this case the burden of proof to demonstrate the fact of discrimination does not lay on the claimant — while applying to the Public Defender, it is enough that the person indicates the facts that provide grounds for the alleged discriminatory action and present relevant evidences, after which alleged discriminating person shall prove that discriminatory act has not taken place. In case of existence of sufficient evidence proving the discriminatory act, the Public Defender of Georgia may submit recommendations to the relevant institution or a physical person for the restoration of the rights of the victim.

32. Anti-Discrimination law also provides for the right to apply to the court by a person, who considers himself/herself as a victim. A person can also submit a claim against a person/institution, who/which allegedly committed a discriminatory act against the person, as well as request moral and/or material recovery. Amendments made to the Georgian Civil Procedure Code also frees a claimant from the burden of proof of a discriminatory act and shifts it upon the person allegedly committing a discriminatory act to prove its innocence.

33. As article 1 of the Anti-Discriminatory Law stipulates, one of the basis of discrimination shall be a disability. In 2014–2015, Department of Equality, considered 12 cases of alleged discrimination on the ground of disability, including one fact under the initiative of the Public Defender. As a result of examination of two cases, acts of discrimination were determined and the Public defender of Georgia issued a relevant recommendations, general proposal was issued with respect to one case, three applications have been declared inadmissible, act of discrimination has not been established with regards to three cases and three cases are being studied by the Department of Equality.

34. Article 142 of the Criminal Code of Georgia criminalizes the violation of equality of humans. In particular, "Violation of equality of humans due to their race, color of skin, language, sex, religious belonging or profession, political or other opinion, national, ethnic, social, rank or public association belonging, origin, place of residence or material condition that has substantially prejudiced human rights, — shall be punishable by fine or by corrective labour for the term not exceeding one year or by imprisonment for up to two years in length. Additionally, Article 1422 of the Criminal Code of Georgia foresees criminal liability for restricting the rights of the persons with disabilities. According to the

mentioned Article, deprivation of the right to persons with disabilities conferred to him/her by the law and/or an international agreement of Georgia, which have substantially effected his/her rights, shall be punishable by fine or by restriction of freedom for up to three years and/or imprisonment for the same period.

Article 8 — Awareness-raising

35. Public Defender's Office of Georgia, as Convention's promoter, protector and monitor body, carries out awareness-raising campaign related to the Convention principles. In February 2015, with the financial support of the United Nations Development Program (UNDP) and the Government of Romania, training on "Rights of Persons with Disabilities and its Proper Coverage" was conducted for TV-radio broadcasting and printed and internet media journalists. In September 2015, the Department of protection of the Rights of Persons with Disabilities of the Public Defender's Office, for the purpose of promotion of the Convention, held field meetings in Kakheti Region (Signagi and Telavi). Furthermore, in 2015, within the frames of promotion of the Convention, Public Defender's Office created a video-clip on the rights of persons with disabilities, which was broadcasted by two national TV Channels in Georgia.

Article 9 — Accessibility

36. Second Chapter of the Law of Georgia on Social Protection of Persons with Disabilities regulates issues related to creating appropriate conditions for unimpeded enjoyment of social infrastructure by persons with disabilities. The Law provides for the enjoyment of the following infrastructure by persons with disabilities: residential houses, social infrastructure, cultural-entertainment, as well as sports facilities.

37. In accordance with Articles 178^1 and 178^2 of the Administrative Offences Code of Georgia, an administrative offence is the avoidance of creation of necessary conditions for persons with disabilities to use residential, public and entrepreneurial buildings, transportation and transport communications, means of communication and information as well as creating necessary conditions for their free movement. An Administrative offence shall also be a failure to consider the needs and requirements of persons with disabilities in the course of designing and developing settlements, forming of residential areas, developing of design solutions, building and reconstruction of premises. In line with Paragraph 45 of Article 239 of the same Code, respective bodies of the Ministry of Labour, Health and Social Affairs of Georgia shall be authorized to draft a protocol of an administrative offence on the above-said violation. Despite the provisions of the Law, the body authorized to draw up a protocol of offences is not yet determined.

38. The issue of accessibility of premises by persons with disabilities is regulated by the Decree N57 of March 24, 2009 of the Government of Georgia on the Rules on Issuance of Construction Permits and the Permit Terms, as well as by the Technical Statute for Creation of Areas and Architectural and Planning Elements for Persons with Disabilities, approved by the Government of Georgia by the Decree N41 of January 6, 2014. Article 12 of the Decree N57 determines the use of premises and public spaces by persons with disabilities. Requirements set forth by the Decree N41 applies to the premises for which the construction permits have not yet been issued and to public buildings for which the procedure for issuing the construction permit has been in progress. In accordance with Article 2 of the same Decree, completed buildings and those being in the process of construction shall be brought in compliance with the provisions of the Technical Statute within 5 years of its entry into force. As regards the construction of buildings of special importance, LEPL Technical and Construction Supervision Agency of the Ministry of Economy and Sustainable Development supervises the implementation of the mentioned provisions. In case of other types of construction in the territory of the capital city, LEPL Architecture Service of Tbilisi Municipality shall be responsible for approving the construction projects and the issuance of construction permits; whereas, Department of Supervision of Tbilisi Municipality is responsible for controlling the implementation of the

construction rules. On the local level, representative and executive branches of self-government bodies carry out those responsibilities.

39. Furthermore, according to Article 16 of the Local Self-Government Code of Georgia, powers of municipality shall include the development of relevant infrastructure for persons with disabilities, children and the elderly at the facilities of local importance, including ensuring adaptation and equipment of public places and municipal transport. It should be underlined that 3 year Action Plan on Adapting Public Buildings, approved by the Decree N44.08.1253 of November 4, 2015 by the Government of Tbilisi Municipality provides for the access for every category of persons with disabilities to underground and over the street (bridge) passages, roadways, recreation zones, cultural and sport facilities, kindergartens and administrative buildings. Within the framework of the above Plan and taking into consideration the principles of universal designing, 315 municipal premises and infrastructural buildings will be adapted. 14 Million GEL is planned to be allocated for construction projects from the local budget. In 2015, 10 kindergartens have been constructed in Tbilisi, taking into consideration the principles of universal design, while 3 main sport complexes and 2 administrative buildings owned by the municipality have been adapted. In particular, the following buildings: Dinamo Arena (where UEFA Super Cup Final Football Match was held), Tbilisi Sports Palace (Main Sport Hall of Georgia), and the Parasport Development Center of Tbilisi (where 100 sportsmen with disabilities are being trained daily), the buildings of Tbilisi Municipality City Hall and City Council (Sakrebulo).

40. Legislation in force on road transport does not envisage relevant provisions on the needs of persons with disabilities. Accordingly, LEPL Land Transport Agency of the Ministry of Economy and Sustainable Development of Georgia prepared the amendments to the Law of Georgia on Road Transport. According to those amendments, the station will be responsible for creating appropriate conditions for movement and providing services for persons with disabilities in the adjacent territory and in various places of technological services within the station (restrooms, platforms, waiting rooms and etc.). In addition, according to the amendments to be made to the Technical Regulation approved by the Decree N442 of December 31, 2013 of the Government of Georgia on the Rules and Terms of Functioning of Stations, each three classes of stations shall ensure unimpeded movement of persons with disabilities and accordingly creating relevant conditions (ramps, paths, wide exits and etc.). In addition, according to the amendments to be made to the Technical Regulation approved by the Decree N4 of January 3, 2014 of the Government of Georgia on Approval of the Rule on Transport of Passengers and Goods, the transporter of passengers, with the support of the driver and the members of the crew, shall be obliged to ensure the access for the persons with disabilities to all services related to transportation during the journey (purchase of tickets, boarding and getting off the bus, putting in and getting the baggage out of the buss). It is significant to note that in January 22, 2016 Tbilisi Municipality City Hall announced a tender on the purchase of large capacity, adapted buses (150 units). This project is funded by the European Bank of Reconstruction and Development (EBRD) and costs 30 million Euros.

41. In order to ensure equal opportunities, full engagement in public life, access to public places and means of transportation for persons with disabilities, LEPL Civil Aviation Agency of the Ministry of Economy and Sustainable Development of Georgia has elaborated the Rule on Assisting the Persons with Disabilities during Air Transport of Passengers and Goods, which entered into force in April 2013. The aim of the Rule is to ensure full assistance to persons with disabilities related to boarding process in the airplane. For the purpose of implementation of the requirements of the Rule, the Agency was carrying out constant monitoring of air carriers and airports of Georgia in 2013–2015. Currently, international airports of Georgia are in compliance with established standards. As regards airports for internal transport of goods, creating/renovating of necessary conditions and infrastructure for the delivery of services to persons with disabilities are in progress.

42. Order N122 of July 17, 2012 of the Head of the Agency regulates the rules for compensation and assistance of passengers in case of refusal to board, flight cancelation or long delays. In accordance with Paragraph 2 of Article 7 of the Rule, an air carrier shall pay particular attention to the needs of persons with disabilities, their accompanying persons

and children traveling without accompanying persons. According to Article 13 of the same Rule, the passenger shall be given information on compensation, as well as written (e-mail, text messages, fax) information regarding flight delays or cancelation. Passengers with visual impairments shall receive this information by alternative means.

43. Maritime navigation relations, including rules of shipment of passengers are regulated by the Maritime Code of Georgia, as well as the Order N019 of August 3, 2012 of the Head of the LEPL Maritime Transport Agency of the Ministry of Economy and Sustainable Development. These legal acts do not include special regulations for persons with disabilities. Moreover, none of the international agreements of International Maritime Organization (IMO) regulate this issue. Accordingly, adapting relevant means of transportation for persons with disabilities fully depend on the will of the respective transportation company.

44. Railway Code of Georgia defines economic, legal, organizational and technological basis for railway transport functioning. The Code regulates legal relations raised in the course of enjoyment of railway services and determines rights and responsibilities of their participants. Railway transportation in Georgia is carried out by JSC "Georgian Railway". The latter ensures transport of passengers and goods by arranging relevant infrastructure. According to the Rules on Transport of Passengers, Goods and Mail (approved by the Order N24 of April 15, 2003 of the Minister of Transport and Communications of Georgia), in line with the needs of persons with disabilities, special counters are to be arranged in big stations (paragraph 3 of Article 10) and there should be certain exceptions and privileges for persons with disabilities during purchase of tickets (Paragraph 1 of Article 13). It should be noted that in 2014, JSC "Georgian Railway" purchased 8 ramps for boarding the carriage by persons with disabilities with wheelchairs. The ramps are installed in every high-speed train and could be used as designated.

45. In terms of accessibility of services, it should be noted that for the purpose of setting up an effective system of emergency assistance, LEPL 112 of the Ministry of Internal Affairs of Georgia was established in 2012. LEPL 112 receives calls from all over Georgia, for 24 hours, on need for emergency assistance at the following number: 1-1-2. Processed information is immediately forwarded to the police, fire/rescue services and medical emergency center. Since March 27, 2015, LEPL 112 activated text messaging and video call service designated for persons with hearing and visual impairments. Messages coming from persons with hearing and visual impairments are received by operators trained in sign language. This project has been carried out with the support of the United National Development Program (UNDP) and Swedish International Development Cooperation Agency (SIDA). For effective implementation of the project, LEPL 112 was actively collaborating with the Union of the Deaf of Georgia and various organizations operating in the field of protection of the rights of persons with disabilities. It is worth noting that in 2013, the Public Defender of Georgia addressed to the Ministry of Internal Affairs of Georgia with the request of establishing such a service. The request underscored the importance of ensuring exchange of information for persons with hearing and visual impairments while calling emergency services, by applying text messaging or other relevant means of communication.

46. LEPL of the Ministry of Justice of Georgia — the Public Service Development Agency made it available for persons with disabilities to receive public services on a distance. Since the introduction of the service, persons with disabilities are able to obtain consultations on public services from 9:00 to 21:00. They are served by two specialists working in distance services division, trained in sign language. In 2015, more than 20 citizens received the above service. Furthermore, a citizen of Georgia with disabilities, living abroad, has managed to receive documents via distance service. Since the introduction of the service, persons with disabilities are able to receive various distances services/document without leaving the house. The Public Service Development Agency is currently updating its web-page to meet the needs of people with visual impairments.

47. LEPL the Ministry of Justice — the Agency of the Public Register is currently working on the project — "Equal Opportunities for Everyone". The project aims at creating opportunities for persons with visual impairments to independently apply to the Agency, including both the submission of applications and registration documents, as well as the

opportunity to receive issued documents by persons with visual impairments in a form understandable to them. Within the framework of the project, a number of legal acts have been elaborated based on which the following procedures will be available for persons with visual impairments: (a) preparation of all written documentation by the Agency through applying the braille code; (b) accessibility/application of the official web-page of the Agency by applying the relevant sound program. The project also provides for the amendments, according to which the procedure of signature of the applications to be submitted to the Agency by the persons with visual impairments shall be simplified.

48. Services rendered by the LEPL of the Ministry of Justice — the Notary Chamber are available in every Public Service Halls located all over the territory of Georgia. Infrastructure of Public Service Halls of Georgia meets the necessary criteria for services to be rendered to persons with disabilities.

49. In accordance with Article 16 of the Governmental Decree N506 of December 23, 2011, persons with disabilities shall be exempted from such service fees by the LEPL of the Ministry of Justice of Georgia — the National Archive, as the preparation/issuance of statements of social and legal nature (positive, negative) that relates to them.

50. In 2014, parking space at the territory and ramps at the entrance, as well as adapted tables and restrooms have been arranged at the LEPL Service Agency of the Ministry of Internal Affairs of Georgia for persons with disabilities. Adapted conditions are designated for both persons with disabilities receiving the service, as well as potential employees of the Agency. Furthermore, adapted space has been set up at the hot-line division of the Agency for citizens with wheelchairs.

Article 10 — Right to life

51. According to Article 15 of the Constitution of Georgia, everyone has the inviolable right to life and this right shall be protected by law. According to the same law, capital punishment is prohibited. Georgia is a party to number of international agreements and conventions, which protect the right to life, including International Covenant on Civil and Political Rights, the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty, the European Convention for the Protection of Human Rights and Fundamental Freedoms and its Protocols.

52. The Law of Georgia on Health Care protects the right of persons at the terminal stage of illness. According to Article 146 of the Law, a person with terminal illness or his/her close relative, or a legitimate representative has a right to receive full information about the patient's illness and to make a decision about medical interference. According to Paragraph 2 of Article 148 of the Law, if a person with terminal illness is unconscious, a relative or a legitimate representative has the right to decline the services of resuscitation, end-of life care and palliative care and/or palliative treatment for the patient with the view of maintaining dignity of a dying person or his/her (patient's) personal views. Article 212 of the Law of Georgia on Health Care prohibits euthanasia by the medical personnel or any other individual or participation in conducting euthanasia. Moreover, according to Article 110 of the Criminal Code of Georgia, mercy-killing by the victim's insistence shall be punishable by the Law. This offence implies mercy-killing by the victim's insistence at his/her true will, administered in order to free the dying person from strong physical pain. This Article applies to cases of euthanasia if it is qualified by the Law as the so-called "privileged part" of a murder. An offence committed under the above article defines relatively milder punishment — restriction of freedom from two to five years.

53. Article 139 of the Law of Georgia on Health Care stipulates that it is a priority of the state to protect women's health by reducing the number of abortions. According to the same Article, voluntary termination of pregnancy is only permitted in medical facilities with relevant authorization and shall be conducted by a certified doctor. Moreover, under the current legislation (Law of Georgia on Health Care, Order N01-74/N of Minister of Labour, Health and Social Affairs of Georgia) termination of a pregnancy (abortion) shall be voluntary (based on the request of a pregnant woman) during the first trimester — 12 weeks

of pregnancy, or based on the medical or social indications — from 12th to 22nd weeks of pregnancy.

54. Abortion conducted in violation of the Law of Georgia on Health Care shall be punishable by Article 133 of the Criminal Code of Georgia. According to the law, illegal abortion shall be punishable by both, fine or imprisonment.

Article 11 — Situations of risk and humanitarian emergencies

55. According to the existing Law of Georgia, in situations of high-risk and humanitarian emergency, Government is obligated to provide equal emergency relief and assistance to every individual. The Law of Georgia on Public Safety defines the rule of development of the unified system and its activities for managing emergency situations during peace and war. According to Paragraph 2 of Article 32 of the same Law, the information to visually and hearing impaired persons in the field of public safety shall be provided through the established method. Moreover, the Ethics Code of the Police of the Ministry of Internal Affairs prescribes that police officers shall provide assistance and first aid, within their possibilities, if required, to women, minors, elderly people and persons with disabilities.

56. LEPL Emergency Management Agency is a structural unit of the Ministry of Internal Affairs of Georgia, which, within its competence, prevents emergency situations across the country, coordinates emergency relief aimed at mitigating and eliminating its consequences, as well as carries out civil defense objectives in times of war. The Emergency Response Center receives emergency calls from all over Georgia via unified emergency number — 112, which is adapted for deaf and hearing impaired persons (further details are provided in the report on Article 9).

Article 12 — Equal recognition before the law

57. Despite clauses provided in Article 14 of the Constitution of Georgia, which ensures equal rights for every individual before the law (further details are provided in the report on Article 5) until April 1, 2015, Paragraph 5, Article 12 of the Civil Code of Georgia defined "mental retardation" and "mental illness" of a person as a basis for qualifying a person without legal capacity. According to the Civil Procedure Code of Georgia, a person was declared to be legally incapable by the court decision. Appeal to the court was submitted by a close relative of the person, his/her statutory representative, agency of guardianship and custody or a psychiatric facility. Basis for the application was considered to be the diagnosis of a person's mental disorder. In order to check the psychological condition of a person, the court was ruling a psychological expertise and in case of confirmation of the diagnosis a person was deemed to be without legal capacity.

58. According to Article 310 of the Civil Code of Georgia recognition of a person legally incapable was considered by the court without his/her participation. According to the Law, a person's participation in court proceedings, whose legal capacity status was to be defined, was not ensured and a decision on inviting the person to the court proceedings was decided based on his/her health condition; therefore, the decision on each case was made based on individual assessment.

59. After granting a person the status of legally incapable, the agency of guardianship and custody had to appoint a guardian. In accordance with Article 1278 of the Civil Code of Georgia, the agency of guardianship and custody is the authorized body of the Ministry of Labour, Health and Social Affairs, responsible for conducting and coordinating processes of guardianship and custody, which is carried out through 11 regional Councils (advisory bodies).

60. In accordance with Article 1290 of the Civil Code of Georgia, a guardian represented the rights and interests of a ward with a third person, including in the court, without special authorization. As soon as a person was recognized legally incapable, he/she was immediately deprived of all civil rights, including the right to acquire and sell property.

to participate in elections, referendum and plebiscite and to appeal to the court. Moreover, marriage was considered to be impeding circumstances and was not allowed between individuals out of which, at least, one was deemed to be without legal capacity. A legally incapable person was not allowed to make a decision about his/her own treatment. Furthermore, according to Article 1278 of the Civil Code of Georgia, also Article 6 of the Law of Georgia on Adoption and Foster Care, recognition of a person as legally incapable was considered to be the legal ground for adoption of his/her child.

61. According to the Decision of the Constitutional Court of Georgia of October 8, 2014 (case: Irakli Kemoklidze and David Kharadze against the Parliament of Georgia), existing legislative regulations, which limit legal capacity of a person with disabilities for the reason of mental illness, were found unconstitutional. According to the Decision of the Constitutional Court, by April 1, 2015, the Parliament of Georgia changed the legislative norms related to Articles 14, 16, 18, 36 and 42 of the Constitution of Georgia and made relevant amendments to the Civil Code of Georgia and 67 respective laws (hereinafter referred to as legal capacity system reform). Within the reform amendments have been made to over 200 statutory laws. Besides, implementation of the decision of the Constitutional Court, these amendments ensured systemic legal capacity system reform and its compatibility with the principles of Article 12 of the Convention.

62. As a result of the reform, instead of a legally incapable person, a new concept of "a person with psychosocial needs" (recipient of support) will be introduced to the Civil Code of Georgia. According to the same Law, a person with psychosocial needs is a person with significant psychological, mental and intellectual disabilities which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others. According to the Civil Procedure Code of Georgia, an application for eligibility to receive support of "a person with psychosocial needs" shall be submitted to the court by the person himself/herself, family member, legal representative, guardian and curator body, psychiatric or specialized institution, based on the place of residence of the person; if the person is in a medical facility — based on the address of the medical facility. The application on the recognition of a person as a recipient of support shall indicate the area within which a person needs support. Moreover, an applicant shall submit to the court conclusions of a psychiatrist, psychologist and social expert on the person's mental condition and social adaption, if applicable.

63. According to Article 363[16] of the Civil Procedure Code of Georgia, upon receipt of the application, the court appoints a forensic examination in accordance with the Law of Georgia on the Conduct of Forensic Science based on Psychosocial Needs. In special circumstances, the court has a right to make a decision on assigning a person to a mandatory forensic examination. Mandatory forensic examination shall be conducted in circumstances, when a person, whose case of eligibility for support is considered, evidently avoids forensic examination and by such an action undermines his/her rights or those of others.

64. Psychosocial forensic examination shall be conducted according to the Rules and Standards for the Conduct of Forensic Examination based on Psychosocial Needs, adopted by the Order N01-16/N dated May 29, 2015 of the Minister of Labour, Health and Social Affairs. According to the above Rule, an authorized body to conduct forensic examination is LELP Levan Samkharauli National Forensic Bureau (in Tbilisi) and its two regional departments: West Georgia Regional Forensics Department in Kutaisi and Adjara Regional Forensics Department in Batumi. Examination of a person's psychiatric, social, professional, employment and psychological data is conducted by a multidisciplinary group composed by the following: psychiatrist, psychologist, social worker and occupational therapist.

65. A court considers the application for recognition of a person eligible for support with the mandatory presence of a person concerned and representative of the agency of guardianship and custody. If the person, whose eligibility for support is being considered, is unable to be present at the court due to a state of health, he/she shall participate through electronic communication or any other means, which would ensure direct contact of the person with a judge. In such a case, the court shall make a video recording of the court proceedings. The court shall indicate in the minutes of the proceedings that the person

participated in court proceedings through electronic communication or other means. According to Article 363[19] of the Civil Procedure Code of Georgia, a person whose eligibility for support is being considered, shall have a lawyer (further details in the report of Article 13). In addition, according to the Civil Procedure Code of Georgia, persons, who before April 1, 2015, were recognized as legally incapable are not limited in applying to the court.

66. Upon request of the applicant, the court is authorized to appoint temporary supporter before the completion of court proceedings, if it is believed that the person, whose case is considered, may be subject to irreversible damage. The court shall question every expert and member of a multidisciplinary group, whose findings are included in the case files. Based on findings of multidisciplinary group members and outcomes of their questioning, in accordance with the requirements stipulated in Article 1277[1] of the Civil Code of Georgia, the court appoints supporter(s). According to Article 1280 of the Civil Code of Georgia, supporter shall be a family member, relative, friend or a specialist and shall be appointed only by consent of the person concerned and if a supporter meets requirements defined by the Code. If a supporter could not be selected from the categories listed in the above Article, the court appoints a person authorized by the agency of guardianship and custody, and if a recipient of support is in a specialized facility — the court appoints a representative of that facility. A court may appoint a supporter with the purpose to support a person concerned with performing work, reach small contracts, conduct business activities, manage/dispose real estate, identify a place of residence, consent to medical treatment, prevent damage and exercise other rights and responsibilities defined by the court based on individual assessment. A court in the court ruling shall indicate the right exercise of which authorizes the person concerned to become a recipient of support and scope of support. In addition, the court defines reporting period for a supporter to the agency of guardianship and custody, which shall not exceed 6 months, and defines the term of guardianship and revision period, which shall not exceed 5 years. The decision shall be submitted to the agency of guardianship and custody within 3 days after its entrance into force by the place of residence of the recipient of support. It should be noted that in exceptional case, if a court defines that recipient of support objectively is not able to express his/her will more than a month period and restriction to make decision on his/her behalf by supporter can significantly damage the recipient of support, the court can give the right to supporter to make a necessary deal on behalf of the recipient of support in accordance with his/her interest.

67. Article 1305[1] of the Civil Code of Georgia envisages that the agency of guardianship and custody shall supervise activities of a supporter in accordance with the place of residence of the recipient of support. Agency of guardianship and custody shall verify compliance of actions taken by a supporter with the framework established by the court decision. According to Article 1289 of the Civil Code of Georgia, a supporter shall also submit the information on the performance of his/her duties defined by the court decision to the agency of guardianship and custody within the timeframe defined by the agency, which shall not exceed 6 months. According to Article 363[23] of the Civil Procedure Code of Georgia, if there is a ground for changing the scope of or termination of the support, a court shall be authorized to make a decision on changing the scope of or termination of support upon the application submitted by the recipient of support, his/her family member, supporter, psychiatric medical facility, agency of guardianship and custody and in accordance with the forensic findings.

68. According to amendments to the Election Code of Georgia, limitations to participate in the election, referendum or a plebiscite shall apply only to a recipient of support, who is in the impatient psychiatric facility based on the Law of Georgia on Psychiatric Assistance. According to amendments to Article 81 of the Civil Procedure Code of Georgia, if a recipient of support is assigned a supporter to ensure his/her representation at the court proceedings, the court shall consider such a case in mandatory presence of a recipient of support and a supporter. According to Article 1172 of the Civil Code of Georgia, if at least one of the spouses is a recipient of support, marriage agreement shall be made prior to the registration of the marriage (information on regulations on marriage is provided below in relation to Article 23). Moreover, according to existing legislation, status of a child for adoption shall not be granted to children of parent(s) who is (are) a recipient of support.

69. Pursuant to article 1508[1] of the Civil Code of Georgia the agency of guardianship and custody updated respective databases. According to Article 1508[1] of the same Code, transition period for the revision of the status of persons legally incapable shall not exceed 5 years. In particular, guardians (curators) of a person considered as legally incapable over the recent 4 years since April 1, 2015, shall apply to the court for individual assessment and for definition of the level of support. Until the change of a status, guardians shall continue performing their duties. According to the same Article, inpatient psychiatric facilities shall apply to the court within 2 years, while 4-year timeframe shall be defined for specialized facilities to apply to court. If the application is not submitted within the defined deadlines, the agency of guardianship and custody shall apply to court with the request to conduct an individual assessment of legally incapable persons within 2 years following the deadline in the case of inpatient psychiatric facilities and within 1 year following the deadline in two remaining cases (Article 1508[1]).

70. Based on the data of December 31, 2015, 49 individuals changed the status of legally incapable and were granted a status of recipient of support. 183 individuals have been recognized as recipients of support upon first application. Based on the same data, 3109 persons still hold the status of a person without legal capacity.

Article 13 — Access to justice

71. In accordance with Article 42 of the Constitution of Georgia, everyone has the right to apply to a court for the protection of his/her rights and freedoms. Furthermore, everyone shall be tried only by a court under jurisdiction of which his/her case is. Based on the same Article, the right to defense shall be guaranteed. Article 40 of the Constitution recognizes presumption of innocence, in particular, an individual shall be presumed innocent until the commission of an offence by him/her is proved in accordance with the procedure prescribed by law and under a final judgment of conviction.

72. Article 223 of the Criminal Procedure Code of Georgia prohibits discrimination based on race, skin color, language, sex, faith, ideology, political belief, membership of any union, ethnic, cultural and social origin, origin, marital, property and nobility status, place of residence, health condition, lifestyle, place of birth, age or any other grounds in the course of selection the juries.

73. According to Article 9 of the Criminal Procedure Code of Georgia, a criminal procedure is exercised on the basis of equality and competition of the parties. Article 25 of the same Code refers to equality and competition of the parties at the court procedures. According to this Article, a court is obliged to provide the parties with equal opportunities in the protection of their lawful rights and interests, so that neither party would enjoy privileges.

74. The Criminal Procedure Code of Georgia maintains that equality and competition of the parties shall be ensured throughout the whole proceedings — from the start of the criminal prosecution until its completion, including court proceedings, investigation phase and newly discovered circumstances during the proceedings. This principle does not apply to the investigation phase, which is carried out with the participation of only one party, until the investigation bodies identify the defense and the criminal prosecution has been commenced against a certain person.

75. In accordance with Article 45 of the Criminal Procedure Code of Georgia, an accused, who, due to physical and mental disorder, is unable to protect his/her rights, shall be assigned a lawyer as a compulsory action. Within the frames of compulsory defense and in cases determined by the legislation, a person without a defense attorney, shall be assigned a lawyer at public expenses, ensured by the LEPL legal Aid Service which is independent body and holds accountability only before the Parliament of Georgia. As of 2015, LEPL Legal Aid Service has been carrying out its activities throughout Georgia via 11 bureaus and 7 consultation councils. In accordance with Article 117 of the Criminal Procedure Code of Georgia, questioning/inquiring of persons with hearing and speech impairments shall be conducted by the interpreter having relevant expertise. In case a person subject to questioning/inquiring has hearing or speech impairments, he/she is able to

answer questions in writing. Tbilisi City Hall is currently implementing a project according to which, persons with hearing disabilities shall enjoy the services of sign language interpreter during the court proceedings.

76. Article 21[18] of the Administrative Procedure Code of Georgia stipulates that the process of reviewing a case of hospitalization of a person for involuntary psychiatric treatment shall be attended by his/her attorney, along with other authorized persons. If a patient cannot afford to hire an attorney, the court is obliged to assign an attorney for him/her at the expense of the state.

77. Except for cases of compulsory defense, according to Article 46 of the Criminal Procedure Code of Georgia, person unable to pay shall be subject to the defense on the expenses of the state. Simultaneously, according to the requirements of the Law of Georgia on Legal Aid, criteria for inability to pay have been determined by the relevant body of the executive branch. These criteria are based on the rating score system conferred to a person included in the general database of socially vulnerable families. According to the above-mentioned criteria, a person unable to pay is a person, whose rating score constitutes 70 thousand or less. It should be underscored that the same criteria set preferential terms for persons with disabilities. Amount proving the ability to pay is determined by 100 thousand or less. This terms apply to children with disabilities under the age of 18; adults with significant and severe disabilities; persons with significant, severe and moderate disabilities, in case the disabilities have been prevalent since childhood.

78. Since April 1, 2015, in accordance with the amendments made to the Law on Legal Aid and the Civil Procedure Code of Georgia, legal aid has been established for persons with psychosocial need, whose recognition as the "recipient of support" is decided by the court. In the course of examining these cases, it is obligatory that the person with psychosocial needs has an attorney. For the purpose of requesting the engagement of the lawyer in the process of examining the case of recognition of a person as the "recipient of support", legal aid bureau can address the person concerned, his/her legal representative or the court.

79. Rights of persons with disabilities have been improved with the legislative amendments, according to which, since April 15, 2015, based on Article 231 of the Law on Legal Aid, free legal services became available not only with respect to criminal, but for civil and administrative law cases. In particular, a person unable to pay can use free legal services on family, inheritance and social protection issues, if the case is deemed to be complex and significant. This Article applies to the Law of Georgia on Social Protection of Persons with Disabilities and normative acts related to it. In terms of accessibility of justice, it should be noted that Article 5 of the Law of Georgia on State Fees exempts all persons with disabilities, organizations of persons with disabilities, their institutions, educational-entrepreneurial organizations and unions from all state fees.

80. In the course of 2015, LEPL Legal Aid Service represented 658 persons on cases related to sentencing a person to forced psychiatric treatment, 654 persons on cases related to recognition of a person as the recipient of support and 390 legal consultations for persons with disabilities.

81. Furthermore, in the context of accessibility of justice, it is worth mentioning that in June, 2015 the Parliament of Georgia adopted the Code of Georgia on Juvenile Justice. The Code encompasses such issues as juvenile liability, criminal proceedings, provisions regulating corrections and other issues, which shall foster the simplicity and clarity of juvenile legislation. The Code provides for additional guarantees for the protection of best interests and right of juvenile being in conflict with law, a witness and a victim, increase of powers of the judge in the course of juvenile justice process, wide range of sentences and other issues. In accordance with the Code, only persons solely specialized in juvenile justice should lead the juvenile justice process. Specialization is mandatory requirement for the person, who is working with the juvenile being in conflict with law, a witness and a victim.

Article 14 — Liberty and security of a person

82. According to Article 18 of the Constitution of Georgia, liberty of an individual is inviolable. Deprivation of liberty or other restriction of personal liberty without a court decision is impermissible.

83. Article 196 of the Criminal Procedure Code of Georgia stipulates that within 48 hours following the detention, a prosecutor shall file a motion to the magistrate judge by the geographic area of investigation on application of a coercive measure. If the appeal is not submitted within the above timeframe, a detained person shall be immediately released. Within no later than 24 hours following the application of a coercive measure, the magistrate judge shall clarify to the accused charges against him/her and his/her rights, including the right to file an application for torture and inhumane treatment, and notify the defendant on the measure and extent of punishment to be applied by the prosecution against him/her. A judge shall consider a motion on the application of a coercive measure and clarify with the defendant, whether he/she wishes to file an appeal or a motion on violation of his/her rights.

84. In accordance with Article 199 of the Criminal Procedure Code of Georgia, one of the forms of coercive measures shall be imprisonment. Article 198 of the same Code prescribes objectives and foundations of coercive measures. Specifically, coercive measure shall be applied with the purpose of ensuring that the defendant does not avoid appearance in the court and to prevent commitment of further offences by him/her. Imprisonment or any other coercive measure shall not apply to a defendant, if the above goals can be reached by the application of less strict measures. In deliberations to decide on the coercive measure and application of its specific form, court shall take into consideration personal traits of a person, his/her professional background, age, state of health, marital status, financial standing, remuneration of inflicted damage to property, violation of coercive measures applied earlier, and other circumstances. In considering application on a coercive measure, burden of proof in all circumstances falls upon the prosecutor (Part 9, Article 206 of the Criminal Code). The ruling on the application of a coercive measure can be appealed by the prosecutor, defendant or his/her lawyer in the investigative collegiate of the court of appeals within 48 hours after the court has delivered a decision (1 chapter, Article 207 of the same Code).

85. Article 205 of the Criminal Procedure Code of Georgia provides that overall term spent by the accused person in custody before trial shall not exceed 9 months. After the expiration of the term, a defendant shall be released from custody. A term of a person in custody before pretrial proceedings shall not exceed 60 days following his/her detention. After this term, an accused shall be released from custody, except in case a court issues a decision to uphold a motion on the extension or reduction of the term for a reasonable period of time.

86. According to Article 24 of the Code of Administrative offences of Georgia, one of the administrative sanctions to be applied for administrative offences shall be an administrative detention. Article 32 of the same Code, detention in administrative custody shall be prescribed and applied only in exceptional circumstances, such as certain violations of the rule on military service and other administrative violations for up to 15 days. Decision on the application of administrative detention shall be made by a judge of the respective district (city). It shall be emphasized, that administrative detention shall not apply to pregnant women, mother with children under 12, adults under 18, persons with significant and severe disabilities.

Article 15 — Freedom from torture or cruel, inhuman or degrading treatment or punishment

87. Article 17 of the Constitution of Georgia guarantees the honor and dignity of an individual. Torture, inhuman, cruel treatment and punishment or treatment and punishment infringing upon honor and dignity shall be impermissible. Physical or psychological coercion of a person detained or otherwise restricted of liberty shall also be prohibited.

88. In terms of protecting and supporting the freedom from torture or cruel, inhuman or degrading treatment or punishment, Georgia is the state party to the following international treaties: 1. UN Convention against Torture and Other Cruel, Inhumane or Degrading Treatment or Punishment of December 10, 1984; 2. Optional Protocol to the Convention against Torture and Other Cruel, Inhumane or Degrading Treatment or Punishment; 3. European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment.

89. In 2007, for the purpose of reinforcing the fight against inhuman or degrading treatment or punishment, including improvement and coordination of monitoring of relevant reforms, Interagency Coordinating Council against Torture or Other Cruel, Inhuman or Degrading Treatment or Punishment was established under the Ordinance N369 of the President of Georgia. Since November 2009, Ministry of Justice of Georgia has carried out organizational and technical activities of the Council. Minister of Justice of Georgia acts as a chair of the Council which is composed of the representatives of state agencies, as well as international and local non-governmental organizations. On May 18, 2015, after the elaboration process, the Coordinating Council approved the 2015–2016 Action Plan on Fight against Torture, Inhuman, Cruel and Humiliating Treatment or Punishment. The Action Plan aims at *inter alia* protecting vulnerable group of people, including those with disabilities, from torture and other inhuman and/or degrading treatment.

90. In line with the amendments made to the Organic Law of Georgia on the Public Defender of Georgia, the Public Defender of Georgia shall carry out the functions of the National Preventive Mechanism stipulated under the Optional Protocol to the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. In order to implement functions for national preventive mechanism, Prevention and Monitoring Department has been set up within the Office of the Public defender of Georgia, which, on a regular basis, examines the conditions and treatment towards persons and convicts detained or otherwise restricted of liberty for the purpose of their protection from torture and other cruel, inhuman or degrading treatment or punishment.

91. According to the Criminal Code of Georgia, torture, intimidation to torture and inhumane and degrading treatment shall constitute an offence and shall be punishable by law (Criminal Code of Georgia — Articles, 144^1, 144^2 and 144^3).

92. In 2001, Georgia joined the European Convention on Human Rights and Biomedicine, dated April 4, 1997; in May 1, 2006 — Optional Protocol to the Convention on Human Rights and Biomedicine concerning Transplantation of Organs and Tissues of Human Origin; in October 1, 2010 — Additional Protocol to the Convention on Human Rights and Biomedicine, concerning Biomedical Research.

93. Transplantation of organs in Georgia is regulated by the Law of Georgia on Human Organs Transplantation. According to Article 4 of the Law, any competent person has the right to voluntarily declare his/her consent or refusal on taking his/her organ during his/her lifetime or post mortem. According to Articles 52 and 55, human organ trading and any pressure exerted to obtain the written consent on organ donation shall be prohibited. Orders N463-N420/N of the Minister of Justice of Georgia and the Minister of Labour, Health and Social Affairs of Georgia on the Rule of Registration of the Decision on Transplantation of Organs during Lifetime or Post Mortem, dated November 30-29, 2001 approved the rule of registration of the decision on transplantation of organs during lifetime or post mortem.

94. In accordance with the Criminal Code of Georgia, an action of a severe health injury and premeditated murder under aggravating circumstance shall be considered to be committed under the aggravated circumstance, if it is committed for the purpose of transplantation and/or other utilization of the bodily organ, its part or a tissue of a victim (Articles 109 and 117 of the Code). In addition, coercion into taking member, part of member or tissue of a person against his/her will and illicit sale of blood or blood components shall be punishable by law (Articles 134, 135 and 135^1 of the Code).

95. Part 19 of the Law of Georgia on Healthcare regulates the rights of a person as an object of biomedical research in the course of biomedical research. Rights of all citizens, including persons with disabilities are protected in the process of their participation in

biomedical researches. In accordance with Article 109 of the Law, an object of biomedical research, shall be given comprehensive information in advance about the goals, methods, expected results, and the research risk of a study, as well as on the risk-related possible discomfort. Biomedical research may not be conducted without written informed consent of the person participating in it. A person, must be informed of his/her right to refuse to participate in the research at any stage of the research regardless of his/her advance consent. A recipient of support may be an object of biomedical research, unless he/she expresses any objection in any manner, and if he/she received relevant support (Article 110 of the same Law).

96. Legal and organizational grounds for psychiatric assistance is defined by the Law of Georgia on Psychiatric Care of 2006. The objective of the Law is to ensure access to and continuity of psychiatric care for people with mental disorders, as well as protection of their rights, freedoms and dignity. The law provides for the following organizational forms of psychiatric care: inpatient, outpatient, specialized care and psycho-social rehabilitation (Article 5 of the Law).

97. Article 14 of the Law on Psychiatric Care envisages that an outpatient psychiatric facility shall provide the primary examination and treatment of the patient, and, if necessary, shall carry out his/her observation. When applying an outpatient psychiatric facility, a patient, or his/her legal representative has the right to choose facility and doctor at his/her will, or interrupt examination or/and treatment at any stage according his/her will. Inpatient psychiatric care shall be carried out on the voluntary basis and the patient shall be treated as appropriate. Patient shall be placed at the inpatient facility based on his/her request or the request of his/her legal representative and/or informed consent.

98. Article 15 of the same Law stipulates that a hospitalized patient has the right to send and receive letters and parcels without inspection, use telephone and other means of communication according to internal regulations of the hospital, receive visitors, have a short-term vacation without discharging from hospital taking into consideration the his/her mental health state, perform religious rituals and etc. On the other hand, a doctor has the right, in exceptional cases, to restrict above-mentioned rights of the patient for security purposes and the doctor's decision shall be registered in the medical report. Keeping patient in the hospital above the time necessary for examination and treatment is inadmissible. During hospitalization, the psychiatrist has the right to apply methods of physical restriction to the hospitalized patient by applying methods of physical restriction (isolation of the patient in a specialized ward and/or physical binding), if there is a real danger that the latter inflicts harm to him/herself or others and this danger may not be otherwise avoided. Decision on the application of methods of physical restriction of patient shall be made by the doctor in charge or duty physician that is registered in medical records (Article 16 of the Law). Instruction on the Rules and Procedures for Applying the Methods of Physical Restrictions for Patients with Mental Disorder has been approved by the Minister of Labour, Health and Social Affairs by the Order N92/N of March 22, 2007.

99. In accordance with Article 18 of the Law of Georgian on Psychiatric Care, need for involuntary inpatient psychiatric care shall be defined by an ambulance doctor or a doctor having the relevant license. The relevant law-enforcement bodies shall be prescribed to assist in patient's hospitalization upon request. A patient involuntarily hospitalized should be examined within the nearest 48 hours by a commission of psychiatrists, which will make decision on the advisability of involuntary inpatient care. If the medical commission decides that involuntary inpatient psychiatric care is not advisable, a patient should be discharged immediately. Instruction on the Establishment of the Commission of Psychiatrists and its Rules of Procedures was approved by the Order N88/N of the Minister of Labour, Health and Social Affairs of March 22, 2007.

100. Article 2117 of the Administrative Procedure Code of Georgia envisaged that the administration of a psychiatric facility or a penitentiary institution shall apply to a magistrate judge or a district (city) court to issue an order within 48 hours after hospitalization of a patient/prisoner or after receiving a positive opinion from an authorized expert institution. If a person hospitalized for involuntary psychiatric treatment cannot be identified, a record of proceedings drawn up by a police officer shall be attached to the application of the psychiatric facility, which describes all visual features by which it is

possible to identify the person. According to Article 2118 of the Code, a judge shall consider a case of hospitalization of a person for involuntary psychiatric treatment and shall render a decision within 24 hours after the submission of an appropriate application. A representative of the psychiatric facility or penitentiary institution administration, as well as at least one member of the appropriate psychiatric committee, a patient/prisoner and his/her attorney accordingly shall participate in the hearing. If a patient/prisoner cannot afford to hire an attorney, the court shall be obliged to assign an attorney for him/her at the expense of the state. A representative of a patient/prisoner, or in the case of his/her absence — a relative of a patient/prisoner shall also participate in the hearing. After verifying the justifiability of the application and evaluating the ground, the judge shall issue a justified order regarding hospitalization of a person for involuntary psychiatric treatment until exhaustion of the involuntary treatment criteria, but for not more than six months. In case of absence of legal grounds for hospitalization of a person for involuntary psychiatric treatment, the judge shall make a ruling on rejecting hospitalization of a person for involuntary psychiatric treatment. In this case a person hospitalized for involuntary psychiatric treatment must be immediately discharged from the inpatient care facility. According to the court order, involuntary psychiatric treatment must not exceed six months. This does not apply to patients, who serve his/her sentence at the respective medical (care) facility. The term of placing a patient in an inpatient treatment facility shall start from his/her hospitalization.

101. Proceeding from the mental condition of the patient, the term of validity may be extended by not more than six months on the basis of a justified application of a psychiatric facility administration. After the expiry of each extended period, the psychiatric facility administration shall be entitled to re-apply to the court to require another extension of the term of validity, unless the involuntary treatment criteria of the patient are exhausted. If the involuntary treatment criteria of a patient are exhausted before the term of validity as indicated in a judge's order, the patient must be immediately discharged from the inpatient treatment facility. The psychiatric facility administration, on the basis of the opinion of the psychiatric committee, shall a make a decision to release the patient from inpatient treatment facility (Article 21[19] of the Administrative Procedure Code of Georgia).

102. Article 21[20] of the Administrative Procedure Code of Georgia provides that a psychiatric facility or penitentiary institution administration, a patient/prisoner, his/her attorney and/or relative may appeal a judge's order (ruling) regarding hospitalization of the person for voluntary treatment at the court of appeals within 48 hours after a copy of the order (ruling) has been delivered to the party.

103. Articles 22, 22[1], 23, of the Law of Georgian on Psychiatric Care and Article 191 of the Criminal Procedure Code of Georgia regulate coercive medical measure for the accused and convicted persons. The Code distinguishes three different situations: a person, who at the time of committing a crime was mentally incompetent, was criminally sane in the course of committing an offence and became mentally incompetent after its commitment, and a convicted person with mental disorder. In all three cases, coercive psychiatric treatment of a person shall be carried out under different conditions.

104. Article 2 of the Law of Georgia on Psychiatric Care stipulates that the patient has the right to education, professional training and retraining, the right to vote and participate in private legal proceedings, complain and appeal to court or official bodies, as well as the right to a lawyer. If the Psychiatric Commission deems that a patient suffers severe psychiatric, mental/intellectual disorder, which might hinder his/her effective and full participation in public life on an equal basis with others, administration of psychiatric facility shall apply to court for recognition of the patient as a recipient of an assistance (incapable) and provision of an assistance for him/her. Legal representative of the patient and in case of absence of the latter, his/her relative shall be immediately informed on the fact of referral to the court by the Administration of Psychiatric facility. The patient shall be recognized incapable (receiving an assistance) solely by court (Article 7 of the same Law). Incapable person shall enjoy same rights as the person with mental disorder, who receives psychiatric care, except for those private legal proceedings for which the court provided assistance to an incapable patient.

105. Ministry of Internal Affairs of Georgia, for the purpose of creating appropriate environment for persons with disabilities, adapted Tbilisi N1 Temporary Isolator for persons with disabilities.

106. According to the Imprisonment Code of Georgia, conditions for serving sentence shall be ensured for persons with disabilities. In particular, Article 15 of the Code envisages that persons with severe and significant disability shall be provided with improved living conditions as compared to other accused/convicted persons. In addition, in accordance with Article 23, the said persons shall be given appropriate conditions for feeding.

107. In the penitentiary facility, accessibility of infrastructure and reasonable minimal standards are ensured in every facility. N18, N16 and N5 penitentiary facilities are fully adapted to the needs of persons with disabilities, where at least one cell was arranged in line with the standards set forth by the Decree N41 of January 6, 2014 of the Government of Georgia on the approval of Technical Regulation on Arrangement of Space for Persons with Disabilities and Architectural and Planning Elements. A division for treatment of persons requiring lengthy care for persons with disabilities is actively functioning within N18 medical facility for accused/convicted persons.

108. Article 57 of the Imprisonment Code of Georgia states that the following special equipment may be used against an accused/convicted person: handcuffs, a strait jacket, a restraining chair, a restraining bed, a rubber baton, a baton, tear gas, pepper gas, a non-lethal weapon, an acoustic device, a flash bang device of psychological effect, a water cannon, a police dog. Special equipment shall be used in extreme cases, when other means are ineffective. Use of special equipment shall be proportionate to the threat and shall cause less damage to the addressee of this measure while achieving the legitimate purpose. While using special equipment, health condition and disability of a person shall be taken into account at maximum extent.

Article 16 — Freedom from exploitation, violence and abuse

109. According to the Criminal Code of Georgia, trafficking in persons constitutes an offense against human rights and freedoms, which means sale or purchase of a person, including for the purpose of exploitation. In addition, coercion as a form of an offense qualifies as an aggravating factor for some criminal offenses.

110. The Ministry of Internal Affairs of Georgia is responsible for public order in Georgia. Article 35 of the Law of Georgia on Police prohibits the use of physical force, special means and firearms against persons with evident signs of pregnancy, minor age, disability or old age, except for the cases when those persons conduct an armed or group attack, show an armed resistance to a police officer endangering life and health of another person or a police officer, unless it is impossible to repel such an attack and resistance by applying other techniques and means.

111. In 1994, Georgia ratified the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW). In 2014, Georgia submitted combined 4th and 5th Periodic Reports to the relevant UN Commission on the implementation of the Convention. The Report provides for the detailed overview of measures implemented by the state on combating violence against women.

112. There are no separate regulations concerning domestic violence against persons with disabilities, however, it is integrated into the general policy on domestic violence, which is regulated by the Law of Georgia on Elimination of Domestic Violence, Protection of and Support to its Victims. The Law introduces effective legislative mechanism for revealing, eliminating and preventing the facts of domestic violence. The Law establishes the system for ensuring accessibility of justice for the victims of domestic violence and creates grounds for their protection, assistance and rehabilitation. In accordance with Article 10 of the Law, for the purpose of immediate effect (response), protection of the victim and certain restriction of the abuser's activities, relevant bodies as a temporary measure may issue a protective or restrictive order. A protective order is an act issued by the judge of the first instance court based on administrative proceedings, which defines temporary protection

measures of victims. The protective order shall be issued for the period of 6 months and the terms of its validity shall be determined by the court. Restrictive order is an act issued by the authorized employee of police, which defines temporary protection measures of victims in cases of domestic violence. The Restrictive order shall be issued for the period of 1 month and approved or rejected by the court within 24 hours from applying to the court.

113. Measures for fight against domestic violence, victim rehabilitation and violence prevention was laid out in 2013–2015 National Action Plan on the Fight against Domestic Violence and the Protection of Victims of Domestic Violence in Georgia, approved by the Ordinance N17/07/01 of the President of Georgia of July 17, 2013. The Action Plan has already been revised and the term of its operation is defined for 2016–2017. Implementation of the Plan is coordinated by the Interagency Council for Implementing Measures to Eliminate Domestic Violence. The Council is chaired by the Assistant to the Prime Minister on Human Rights and Gender Equality Issues. The Group for Determining Domestic Violence Victim Status operates under the Inter-Agency Council and is established on the basis of the Decree N684 of the Government of Georgia, dated December 18, 2014. The Group consisting of psychologists, lawyers, doctors and social workers (totally 12 people), grants the status of the victim of domestic violence to those persons, who do not address the court for the response on the facts of domestic violence. An alleged victim of violence, 8 non-governmental organizations selected by the council, as well as LEPL Social Service Agency are eligible to apply to the Group. The status of a victim of domestic violence shall be granted to a person for the period of 18 months. A victim, if required, shall be placed at the shelter operated by the LEPL State Fund for Protection and Assistance to Victims of Human Trafficking of the Ministry of Labour, Health and Social Affairs. The Fund determines the extension of the term of stay of a person at the shelter. The latter ensures provision of the following services to the victim: shelter, health care, psychological assistance, legal aid (including representation before the court) and settlement of social problems. There are 4 shelters in Georgia: in Tbilisi, Gori, Kutaisi and Telavi. These shelters are fully adapted to the needs of persons with disabilities.

114. It ought to be mentioned that the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention) is planned to be ratified in 2016 by the Parliament of Georgia. In order to harmonize domestic legislation with the principles of the Convention, package of legislative amendments have been elaborated by the Government of Georgia, with the participation of all stakeholders, which is to be adopted by the Parliament of Georgia in 2016 followed by the consequent ratification of the Convention.

115. Georgian legislation provides for the mechanisms of protection of children from violence and the following legal acts ensure prevention, protection and rehabilitation of the victims of violence: Law of Georgia on Elimination of Domestic Violence, Protection of and Support to its Victims, as well as the 2013–2015 National Action Plan on the Fight against Domestic Violence and the Protection of Victims of Domestic Violence in Georgia, Unified Order N152/N, N496, N 45/N of the Minister of Labour, Health and Social Affairs, the Minister of Internal Affairs and Minister of Education and Science of Georgia on the Approval of the Child Protection Referral Procedures, dated May 31, 2010. Currently, the Government of Georgia, in close cooperation with the UNICEF, is working on the new model of referral procedures, aiming at widening the scope of agencies involved in it.

116. The following acts entail criminal liability under the Criminal Code of Georgia: rape of a minor (Article 137, paragraph 3,"d" of the Criminal Code of Georgia), engaging minors in illicit production, distribution or promotion of a pornographic piece, printed material, image or other object pornographic in character, as well as trafficking by such object or its keeping intended to sell or distribute it (Article 255^{1} of the Criminal Code of Georgia). The referred provisions indicate criminal responsibility for committing a crime against either minor girl or a boy. Furthermore, one of the forms of violence against minor is a forced marriage and an early marriage. Article 150^{1} of the Code stipulates that coercive marriage constitutes a crime under the Code. In addition, to prevent early marriage, in December 16, 2015 amendments have been made to the Civil Code of Georgia; in particular, Article 1108 of the Code determined 18 as the age for marriage. At the same time, based on the miscellaneous provisions of the Code, early marriage of a 17-year-old

minor shall be acceptable only under his/her consent and by the court ruling, in case the child is born. This exception shall operate until January 1, 2017.

117. Georgia is the state party to the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography. Furthermore, in 2014, the Parliament of Georgia ratified the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (Lanzarote Convention). It should be underscored that Governmental Action Plan on Human Rights for 2016–2017, for the purpose of implementation of the Convention, provides for elaboration of a detailed working document by the Government of Georgia. The Action Plan also set out to draw up a unified strategy on the prevention and protection of children from violence, including sexual violence, its identification and measures of rehabilitation of victim children.

Article 17 — Protecting the integrity of the Person

118. As indicated in the report of the implementation of Article 15, according to the Georgian legislation, a person shall not be part of a medical or scientific experiment without his/her consent.

119. Pursuant to Article 4 of the Georgian Law on Healthcare, one of the main principles in the healthcare field is the protection of human rights and freedoms, recognition of a patient's respect, dignity and independence. Article 22 of the Law of Georgia on Healthcare prescribes protection of the rights of any patient, including persons with disabilities and recipients of support to receive medical service. According to this law, the necessary precondition of providing a medical service is an informed consent of a patient, or if it concerns an underage or a person incapable of making and informed decision, a consent of a relative or a legal representative of such a person. Paragraph 2 of Article 22 of the same Law specifies the medical services provision of which requires a written and informed consent of a patient or of his/her legal representative, including in cases such as: any surgery (except for minor surgical procedures), abortion, surgical contraception — sterilization, extra corporal (In Vitro) fertilization and other cases. Pursuant to Article 25 of the Law of Georgia on the Protection of the right of a patient, a provider of a medical service is entitled to make a decision to serve the interest of a patient in case an underage or a patient legally incapable of making an informed decision requires an immediate medical intervention without which death or significant worsening of the life of a person concerned would be inevitable, but a relative of a legal representative of a patient is against or unable to be found. Issues related to the treatment of a patient in a psychiatric facility are discussed in the part of the report dealing with Article 15.

120. According to Article 145 of the Georgian Law on Healthcare, voluntary surgical contraception — sterilization shall be permissible if there is a written request of a patient, a relative or legal representative and if one month for consideration has passed since the interview conducted by a doctor with the person concerned. According to the Law, sterilization can be performed at the medical facility with a relevant authorization and by a certified doctor. The Georgian legislation does not regulate separately the issue of surgical sterilization for persons with disabilities and recipients of support. Issues related to termination of pregnancy are discussed in the report of Article 10.

121. Article 143 of the Georgian Law on Healthcare allows the citizens of Georgia to receive service of extracorporeal fertilization based on the written consent of a couple. According to the Law, artificial conception shall be conducted for the purposes of infertility treatment, in case of risk of transmission of a genetic disease of a wife or a husband and if a woman does not have an uterus, and if it is required to transfer and grow an embryo, produced as a result of an artificial conception, into the uterus of another woman (a surrogate mother). Pursuant to Article 34 of the Law of Georgia on the rights of a patient, it is prohibited to use methods of artificial insemination aimed at selecting sex of the child, except in cases when it is necessary to prevent sex linked genetic disease, while by the decree 01-74/N on the Adoption of the Rule on the Artificial Termination of Pregnancy of

October 7 of 2014, sex selective termination of pregnancy shall be prohibited, except when it is necessary to prevent sex linked genetic disease.

Article 18 — Liberty of movement and nationality

122. Legislation of Georgia does not prescribe a different approach in terms of citizenship towards persons with disabilities. According to Article 12 of the Constitution of Georgia, Georgian citizenship shall be acquired by birth and naturalization. Organic Law of Georgia on Citizenship of Georgia clarifies issues related to acquisition of citizenship by birth (Article 10) and naturalization (Article 9). Moreover, the law allows the President of Georgia to grant dual citizenship on an exceptional basis to a person, who has a special merit before Georgia or granting the citizenship of Georgia to him/her is due to state interests. According to Article 19 of the Law, renunciation of citizenship is the prerogative of a person. According to the Law, a person shall be deprived of Georgian citizenship if a person, without the consent of the competent agencies, enters a military service or joins police of security service of a foreign country, and when a person acquires Georgian citizenship by presenting false documentation, or if a person acquires citizenship of a foreign country.

123. The Georgian Law on the Legal Status of Foreign Citizens and Stateless Persons regulates issues of entrance to and legal stay in Georgia of foreign citizens and stateless persons. Article 3 of the above law stipulates that one of the regulating principles of entrance, stay, transit and exit of Georgia by the foreign citizens is impermissibility of discrimination. According to the same law, Georgian visa (issuing body — the Ministry of Foreign Affairs of Georgia) and a residence permit of Georgia, which shall also be issued to stateless persons, is the legal basis for foreign nationals to enter to and stay in Georgia. Article 51 of the Law of Georgia on "the Legal Status of Foreign Citizens and Stateless Persons" foresees circumstances, which may serve as grounds to expel a person from the country. Disability is not listed amongst the grounds. On the other hand, according to article 55 of the law, expulsion of a foreign citizen can be postponed up to 30 days if the concerned individual is a person with disabilities and has no guardianship.

124. The Law of Georgia on the Rule of Issuance of the Registration Card, Personal Identification (residence) Card and Passport of a Citizen of Georgia to Citizens of Georgia and Foreign Nationals Residing in Georgia does not have a discriminatory approach towards persons with disabilities. This law grants equal rights to all citizens of Georgia to get a personal identification card and a passport in accordance with the age limitation defined by the Law.

125. It should be emphasized, that in accordance with the Law of Georgia on Civil Acts, a child shall be given a first and last name at a time of birth registration on the basis of the consent of parents. If parents fail to agree on the first name and/or last name of a child, court shall make a decision on giving and registering a child's first and last names.

Article 19 — Living independently and being included in the community

126. The Law of Georgia on the social protection of persons with disabilities is aimed at ensuring equal enjoyment of rights by persons with disabilities and all other individuals, creating favorable environment for their full and effective participation in economic and/or political sectors of public life. With the purpose of meeting the requirements stipulated by the Law and ensuring independent life for persons with disabilities, the Government annually adopts the "State Program on Social Rehabilitation and Child Care" that includes sub-programs of "community organizations" and "small family-type homes". These sub-programs are the model of community-based services serving the purpose of developing necessary skills in persons with disabilities to ensure their independent life and their social integration.

127. The objective of the "community organizations" sub-program is to create an environment similar to family for a target group, support their independent life and

facilitate their social integration. The target group of the program includes persons with disabilities of the age 18 and above, also women (over 60) and men (over 65). The order of the Minister of Labour, Health and Social Affairs regulates rules for admission and discharge of person with disabilities to and from a facility. Within the program, in order to increase the degree of independence, individual plans are developed and implemented for beneficiaries. Moreover, medical services are provided, development of professional skills is supported, and foodstuff and clothing are supplied. Pursuant to amendments made to the Program of 2014, beneficiaries of community services shall be allowed to live in the facility and receive relevant services with their children under 18, unless the above practice contradicts the best (greater) interests of a child. 17 community organizations provide community services across the country, including 9 organizations, which provide services for persons with disabilities. Since 2013, three new facilities have been opened: in Signagi municipality and in Tbilisi (2 facilities). Services are provided through the issuance of a voucher. The limit of vouchers across Georgia in 2015 comprises 180 beneficiaries.

128. A target group of a sub-program "small family-style homes" include children with the age range of 6–18 residing in institutions and abandoned children, including children with disabilities whose reintegration to a biological family, adoption or foster care cannot be accomplished. The program envisages development of individual service plans for a child, programs for development of professional skills, elaboration of routine skills, improvement of academic performance and other activities. According to 2015 data, 47 small family-style homes operate in 20 administrative units. Services are provided through the issuance of vouchers. The total vouchers issued in Georgia is limited to 393, 14 of the beneficiaries are children with disabilities.

129. On September 2, 2015, an amendment has been made to the Decree N138 dated March 30, 2015 of the Government of Georgia on "2015 State Program on Approval of Social Rehabilitation and Child Care", introducing a sub-program on home care of children with profound and severe mental disabilities. Target group of the sub-program include children within the age range of 7–18 residing in Tbilisi requiring constant assistance of another person and who are unable to get involved in day center services. Funding of the services provided within the sub-program covers the costs, which per beneficiary envisages 36 hours monthly for a care-giver, 5 hours for the development specialist, and 3 hours of services provided by a specialist of a multidisciplinary group (occupational therapist, speech specialist, psychologist, pediatrician, social worker) — totally amounting to 44 hours. As of March 2016, within the above sub-program, 30 children receive services on a monthly basis, while in 2015 services were provided to 26 children.

130. Within the state program "on Mental Health" (approved annually by the Decree of the Government of Georgia adopted within the "State HealthCare Program"), in 2015, on the basis of LTD "Tbilisi Mental Health Center" and EPC "Evidence-based Practice Center", a community-based mobile team servicing persons with severe mental disorder has been launched, patients of which are frequently or for long periods placed in medical facility, and those, who after the check out from the medical facility do not visit an outpatient facility, terminate treatment, which leads to worsening of psychopathological symptoms. Such services are provided by multidisciplinary team. Within the program, a multidisciplinary mobile team ensures development and implementation of individual guidance plans, home services, conduct of social skills trainings of a patient, psychological support of family members of a patient and if necessary, organizes placement of a patient in medical facilities.

Article 20 — Personal mobility

131. Aspects concerning the facilitation of personal mobility, physical environment, transport infrastructure and adaptation to the services of persons with disabilities are discussed in the report of Article 9.

132. Sub-program on the "provision of supporting equipment" within the "State Program on Social Rehabilitation and Child care" adopted annually by the Government of Georgia, could be considered as the additional promotional measure for personal mobility of persons

with disabilities, which aims at functional independence and integration of persons with disabilities and elderly people (women from 60 years old and men from 65 years old) into society. The components for the above sub-program are: provision of wheelchairs, prosthetic-orthopedic equipment, hearing devices, cochlear implants and crutches, as well as walking-sticks and walking frames for persons with visual impairments.

133. The target group of the component for the provision of wheelchairs covers the persons with disabilities, including children with disabilities. Voucher is used for the payment of the wheelchair cost. Within the frames of financing of the voucher, in case of manual wheelchairs the following persons receive 100% financing: children with disabilities and persons placed in the special state institutions, war veterans and other equalized categories, persons placed in the penitentiary facilities and persons who are registered in the database of the socially vulnerable families and their rating score does not exceed 100,000 points. In the scope of financing of the voucher, the other beneficiaries receive 80% of the factual cost. It should be noted, that in case of electric wheelchairs all beneficiaries receive 100% of the factual cost. Within the framework of the mentioned component, applicable training and consultation by the certified specialist concerning the use of the wheelchair is provided. It has to be underlined, that it is obligatory for the provider of the goods (services), foreseen in this component, to produce the wheelchairs in Georgia and 50% of the total number of their employees should be the persons with disabilities.

134. The target group of the component for the provision of prosthetic-orthopedic equipment covers the persons with disabilities, including children with disabilities. For the payment of the supporting equipment, a materialized voucher is used, within the scope of financing the voucher, the following persons receive 100% financing children with disabilities, persons placed in the special state institutions, war veterans and other equalized categories, persons placed in the penitentiary facilities, and persons, who are registered in the database of the socially vulnerable families and their rating score does not exceed 10,000 points. Within the framework of financing the voucher, the other beneficiaries receive 90% of the factual cost. In the scope of the mentioned component, 12-month service guarantee period and exchange of prosthetic-orthopedic equipment is ensured, when the failure of the appliance is not related to the physiological change, illness or the change caused by the trauma. For the safe and prolonged use of the prosthetic-orthopedic products, applicable individual training and consultation by the certified specialist is provided.

135. The target group of the component for providing hearing devices covers the persons with hearing impairments, including children with disabilities. Within the mentioned component, for the use of digital hearing aid, consultations, recommendations and technical assistance are provided, including service guarantee for 12-month period.

136. The target group of the component for the provision of cochlear implants covers the persons with hearing impairment, including children under 6. Under the scope of the mentioned component, no less than 12-month period an after surgery rehabilitation course is provided. Activities related to fitting and regulating of cochlear implant and services of a speech therapist are provided during the rehabilitation process.

137. Crutches and walking-sticks and walking frames are also provided for persons with disabilities and elderly people (women from 60 years old and men from 65 years old), within the sub-program. In the framework of this component up to 100 units of supporting equipment are purchased and distributed every year.

138. Furthermore, from April 2015, Tbilisi Municipality City Hall, in cooperation with the Union of the Blind of Georgia is providing the service of the guide (personal assistant) for the persons with visual impairments. Under the scope of the program, three personal assistants are serving 80 blind persons on a monthly basis and ensuring their independent and safe movement and visits to the public and private institutions.

Article 21 — Freedom of expression and opinion, and access to information

139. Freedom of expression and opinion, as well as the access to information in Georgia is regulated by Article 24 of the Constitution of Georgia, which provides that everyone has the right to freely receive and impart information, to express and impart his/her opinion orally, in writing or by in any other means. At the same time, according to paragraph 1 of Article 41 of the Constitution, every citizen of Georgia has the right to become acquainted, in accordance with the procedure prescribed by law, with the information about him/her stored in state institutions as well as official documents existing there unless they contain state, professional or commercial secret. Moreover, Article 32[2] of the Law of Georgia on Civil Security envisages state obligation to notify the population on civil security situation.

140. In accordance with Article 16 of the Law of Georgia on Broadcasting, the Public Broadcaster shall take into account the interests of persons with disabilities and provide sign language interpretation in their programs related to elections, referenda or plebiscites. These legislative regulations solely extend to Public Broadcaster and do not rest any responsibility upon the private broadcasters. Furthermore, legal obligations are not related to accessibility of the news, entertainment and other types of TV programs. According to Annex 33 of EU-Georgia Association Agreement, Georgia undertook a responsibility to reflect the provisions of the Directive of the European Parliament and the European Council on the Provision of Audio-Visual Media Services (Directive N2010/13/EU of March 10, 2010) in the legislation of Georgia. Article 7 of the above Directive stipulates that the state shall encourage the provider of audio-visual services, so that they gradually make their services available to persons with visual and hearing impairment. For the purpose of bringing these provisions in compliance with the Georgian legislation, Georgian National Communications Commission conducted a survey, covering the analyzes of Georgian legislation, information about the broadcasting companies on the TV programs available to persons with disabilities in the form accessible to them, as well as the analysis of international practice, in the light of the provision of audio-visual services to persons with visual and hearing impairments. The above survey was presented on December 16, 2015, at the working meeting organized by the Human Rights Secretariat of the Administration of the Government of Georgia. The meeting was attended by the representatives of respective state agencies, NGOs and the Public Defender's office. Meeting participants underscored the importance of setting up a working group aiming at elaboration of an action plan, which would have outlined state measures, ensuring the increase of the number of media products adapted to persons with disabilities. Human Rights Secretariat plans to form and start the working process of the above working group in 2016.

141. Within the scope of the state program on "Social Rehabilitation and Child Care", a Sub-program on promotion of communications for persons with hearing impairments is implemented. The Sub-program aims at social integration of persons with hearing impairments, through provision of services of 10 sign-interpreters in 8 regions of Georgia (except for Tbilisi). For the persons with hearing impairments living in Tbilisi, Tbilisi Municipality City Hall provides for the same service, within the frames of the program of interpreters-dactylologists. On June 8, 2015, the Cooperation Agreement between Tbilisi City Hall and the Union of Deaf of Georgia was signed. Within the framework of the above Agreement, the program on promotion and development of the sign language has been launched. Within the frames of the program, 10 new specialists were trained and employed. Sign-interpreters are providing their services to persons with hearing impairment at the public and private institutions, as well as, during the visit to the court and in the course of obtaining necessary information. In Tbilisi, more than 100 persons with hearing impairments are using the services of sign-interpreters on a monthly basis.

142. According to the legislation of Georgia (Chapter 3 of the Law of Georgia on the Rights of the Patient, Article 7 of the Law of Georgia on Health Care, Articles 39 and 40 of the Law of Georgia on Medical Activity) each Georgian citizen has the right to receive full, objective, timely and comprehensible information on the factors, helping to maintain his/her health or have a negative impact on it. Herewith, the patient has the right to receive from the service provider an information concerning diagnosis or alleged prognosis, as well

as on the course of treatment, professional experience of the medical treatment provider, other alternatives for intended medical services, the risks entailed and possible effectiveness.

143. The rules for the provision of public information and relevant activities are regulated by Chapter 3 of the General Administrative Code of Georgia. According to Article 28 of the Code, public information shall be open except as determined by the procedure to be considered as personal data, state or commercial secret. Any citizen has the right to request public information. It should be underscored that after the legislative amendments of May 25, 2012, the request for the public information can be made electronically (Article 37 of the Code). A refusal to issue public information shall contain an explanation to the applicant of his/her rights and procedure of an appeal (Article 41 of the Code). Accessibility of information was considerably simplified by the Decree N219 of the Government of Georgia dated August 26, 2013, on Electronic Request of Public Information and Proactive Publishing. According to the Annex of the said Decree, the Ministries, their LEPLs and their structural subdivisions, also the offices of the state Ministers shall proactively publish public information on their web sources.

144. It should be noted that in the context of the provision of accessibility to information, the voters with disabilities have a possibility to receive important information through the official web-site of the Central Election Commission (CEC) (www.cesko.ge), including: the information on the adapted polling stations in their electoral districts, explanations concerning the voting rights of persons with disabilities and applicable legislative regulations. For the 2016 Parliamentary elections, the web-site will be adapted to the needs of persons with visual impairments. Furthermore, in 2014, for the purpose of accessibility of the web-site, the Ministry of Internal Affairs of Georgia prepared special sound version of the official web-site of the Ministry — www.police.ge — (voice.police.ge) for persons with visual impairments.

Article 22 — Respect for privacy

145. Paragraph 1 of Article 20 of the Constitution of Georgia states that everyone's, including the persons with disabilities private life, place of personal activity, personal records, correspondence, communication by telephone or other technical means, as well as messages received through technical means shall be inviolable. The Constitution also stipulates that the restrictions of the aforementioned rights shall be permissible by a court decision or also without such decision in the case of urgent necessity prescribed by law. Moreover, according to Paragraph 2 of Article 41 of the Constitution, the information existing on official papers pertaining to individual's health, his/her finances or other private matters, shall not be accessible to anyone without the consent of the individual in question except in the cases determined by law, when it is necessary for ensuring the state security or public safety, for the protection of health, rights and freedoms of others.

146. In order to ensure personal data protection, Georgia ratified Council of Europe Convention 108 for the Protection of Individuals with regard to Automatic Processing of Personal Data in 2006 and its additional Protocol in 2013.

147. In 2012, the Law of Georgia on Personal Data Protection entered into force. The Law is in full conformity with the UN, Council of Europe and EU standards on personal data protection. The purpose of the Law is to ensure the protection of human rights and freedoms, including the protection of the right to privacy, in the course of processing of personal data. The Law of Georgia on Personal Data Protection defines the principles (for example the principles of proportionality and adequacy) and grounds for personal data processing. Furthermore, the Law defines the rules for processing of general personal data as well as special categories of data (e.g. the information concerning the state of health of an individual). The Law sets higher protection standard for a special category of data. In particular, the Law, as it stands now, stipulates that processing of special category of data shall be prohibited, unless there is a written consent of the data subject or under the circumstances defined under Paragraph 2 of Article 6 of the Law of Georgia on Personal Data Protection. The Law also defines the obligations of data controllers and data

processors, and sets the rights of the data subject. Mentioned guaranties are equally applicable to persons with disabilities.

148. Apart from the Law of Georgia on Personal Data Protection, confidentiality and inviolability of private life of any patient are protected through the following legislative acts: Articles 27–30 of the Law of Georgia on the Rights of the Patient, Article 42 of the Law of Georgia on Healthcare, Articles 48 and 49 of the Law of Georgia on Medical Activity. The healthcare provider shall keep the confidentiality concerning the state of health and personal life of the patient, both during and after the medical activities, as well as in the lifetime of the patient and after his/her death.

149. In addition, for the purpose of improvement of the protection of health data, the amendments were made in 2015 in the Decree N281/N of 2007 of the Minister of Labour, Health and Social Affairs of Georgia on the Conduct of an Expertise on Temporal Inability to Work and Issuance of Health Certificate. According to the amendments, the column "diagnosis" was removed from the health certificate, leaving the column on "status of inability", where the information on relevant type of inability is marked.

150. The Law of Georgia on Personal Data Protection sets administrative liability for the violations of the rules on data processing. Furthermore, in accordance with the amendments made to the Criminal Code of Georgia in 2014, collection, preservation, usage, dissemination of personal data or provision of access to it by other means, which caused significant damage (Article 157), or violation of the secrecy of the private communication or private correspondence (Articles 158 and 159) are declared as crimes.

151. An Independent Supervisory Body — Personal Data Protection Inspector is monitoring the implementation of the Law on Personal Data Protection and controlling legality of personal data processing in public (including the law enforcement field) and private sectors. The Inspector is performing his/her duties through his/her Office, which was established on July 1, 2013. In case of the detection of the violation of legislation related to the personal data protection, the Personal Data Protection Inspector is authorized to request to eradicate the fact of violation, to block, to delete or to destroy illegally processed data. Moreover, the Inspector is authorized to impose an administrative liability on the offender, in the form of a warning or a fine. The decision of the Inspector is binding and can be appealed in the court.

152. The Office of Personal Data Protection Inspector examined three cases on the legality of processing by different schools of a special category of data on pupils with disabilities. In all three cases, the fact of violation of proportionality principle by the schools during disclosure of identification data of pupils with disabilities has been confirmed, which led to the violation of the Law of Georgia on Personal Data Protection. Respectively, the Personal Data Protection Inspector found schools in breach of the law and gave them warnings.

153. For establishing unified standards for the protection of personal data in the field of healthcare, the Office of Personal Data Protection Inspector prepared recommendations in 2016. Recommendations are intended for healthcare facilities and patients. They foresee guiding principles for processing of medical data, security measures and rights and obligations defined by the personal data protection legislation.

Article 23 — Respect for home and the family

154. According to Article 36 of the Constitution of Georgia, marriage shall be based upon equality of rights and free will of spouses. Article 1153 of the Civil Code of Georgia directly prohibits any discrimination in the process of realization of the rights of marriage and family life. In accordance to the referred Article, when entering into a marriage and in domestic relations, rights may not be directly or indirectly restricted; no direct or indirect preference may be given based on the grounds of origin, social and property status, racial and ethnic background, sex, education, language, attitude to religion, type and nature of activities, place of residence and other circumstances.

155. Prior to April 1, 2015 (before the implementation of the legal capacity system reform, which is discussed in detail in Article 12), Article 1120 of the Civil Code of Georgia stated that if one of the persons willing to marry was a person without legal capacity, it was considered as an impediment to marriage and was not allowed. After the reform, the persons with psycho-social needs were given the right to marry. According to Article 1172 of the Civil Code of Georgia, a marriage contract must be concluded before registration of the marriage if either of the spouses is a recipient of support. According to the Code, participation of a guardianship and custody authority and a supporter in the process of concluding a marriage contract shall be required in a part defined by an appropriate court decision. A marriage contract with a recipient of support shall not restrict his/her property rights more than it is defined by an appropriate court decision. If a marriage contract is concluded between a supporter and a recipient of support, a guardianship and custody authority shall assign an authorized person of the guardianship and custody authority to the recipient of support as a temporary supporter during the course of concluding the marriage contract. The responsibility for supervising performance by the supporter of his/her duties during the execution of a marriage contract with a recipient of support shall be carried out by the agency of guardianship and custody.

156. Before the implementation of the legal capacity system reform, according to Article 1254 of the Civil Code of Georgia and Article 6 of the Law of Georgia on Adoption and Foster Care, a person under the age of 18 registered in the central registry of prospective adoptive parents, who has been granted the status of adoptee by the court on the basis of the declaration on legal incapability of his/her parent (parents), should have been subject to adoption. Furthermore, Article 8 of the Law of Georgia on Adoption and Foster Care envisages that a child of the person who was declared incapable should have been subject to foster care. On basis of the amendments (Paragraph 2, Article 6) made to the Law of Georgia on Adoption and Foster Care in 2015, the status of the adoptee is not granted to children of the recipient of support. According to the amendments made to paragraph 1 of Article 8 of the referred Law, the children of persons recognized as the recipient of support are not granted the status of persons under the foster care.

157. According to Article 5 of the Law of Georgia on Adoption and Foster Care, a person/family who is unable to perform his/her parental duties properly due to a health condition, cannot become an adoptive parent. Decree N50/N dated February 26, 2010 of the Minister of Labour, Health and Social Affairs of Georgia, approved the list of diseases, which restricts the person from registering as an adoptive parent. According to the aforementioned decree, a person shall not be eligible to become an adoptive parent, if he/she is suffering from mental and behavioral disorders, or has significant disability and has been granted the status of a person with disability. Respectively, Article 7 of the Law of Georgia on Adoption and Foster Care states that a person who cannot raise children due to his/her health condition, shall not be eligible to become a foster parent. Decree N50/N dated February 26, 2010 of the Minister of Labour, Health and Social Affairs of Georgia, approved the list of diseases, which prohibits a person from registering as a foster parent. According to the aforementioned Decree, a person shall not be eligible to become a foster parent, if he/she is suffering from mental disease, or has a severe or significant disability. This restriction shall not apply to cases, when only one foster parent has a significant disability. Furthermore, according to the Law of Georgia on Adoption and Foster Care, status of recipient of support excludes these individuals from becoming foster parents. On the other hand, the same law doesn't restrict the right of recipient of support from being an adoptive parent.

158. It should be underlined, that in accordance with Paragraph "b" of Article 1283 of the Civil Code of Georgia, a person who has been recognized as a recipient of support, may not be appointed as a guardian/custodian. Considering the above record, a Guardianship and Custody Authority is unable to consider the appointment of a person from a mentioned category as a guardian/custodian. According to the amendments made in 2015, a recipient of support (the parent/parents) having minor children, may be assigned by a recipient of support for the implementation of parental rights and responsibilities, which will help him/her/them in raising a minor.

159. As it is already mentioned in the report Article 7, according to the Civil Code of Georgia, the parents have equal rights and obligations towards the children. At the same time, the child has the right to live and grow up in a family. The Parents are also obliged to raise their own children, take care of their physical, mental, spiritual and social development and raise them as dignified members of the society, considering their primary interests. Article 1206 of the Civil Code of Georgia provides that a parent, who systematically avoids parental duties and abuses parental rights or whose child has been declared abandoned, shall be deprived of all parental rights and duties. The decision on deprivation of all parental rights and duties is made by a court on the initiative of a guardianship and custody authority or on the initiative of a child, who has attained the age of 14. Parental rights and duties may be reinstated only by the court proceedings initiated by the child, one of the parents or a guardianship and custody authority (Article 1209 of the Civil Code). Furthermore, the court also takes into account the will of a child, provided he/she has attained the age of 10.

Article 24 — Education

160. Article 35 of the Constitution of Georgia stipulates that everyone shall have the right to receive education and the right to free choice of a form of education. Pre-school, general and vocational education is free in state and municipal educational institutions of Georgia. At the level of higher education, state provides funding for students based on the results received through the United National Examinations.

161. According to the Organic Law of Georgia, "Local Self-Government Code", the local self-government authorities shall manage pre-school educational institutions. Issues related to the pre-school operating procedures for pre-schools are defined on the basis of the ordinance of each municipality city council (sakrebulo). According to the legislation, a unified standard defining pre-school education development directions does not exist on a pre-school education level. In 2015, with the support of the UN Children's Fund (UNICEF) and in coordination with the Human Rights and Civil Integration Committee of the Parliament of Georgia, a draft law on Early and Pre-school Education has been elaborated, which is being considered by the Georgian Parliament. The draft law regulates the legal basis for universal access to the child care and early childhood education, pre-school education and pre-school education services, quality assurance and accountability. The draft law also envisages the obligation of the pre-school institution to continue provision of education to children with special educational needs (SEN) in the inclusive educational program, if the best interest of a child requires that he/she does not enter the school, despite his/her age.

162. In 2005, the term "inclusive study" was first recognized by the Law of Georgia on General Education. According to the amendments made to the same Law in December 15, 2010, the term "inclusive study" was interpreted as "inclusive education". In accordance with the Law, development of an inclusive education was one of the policy priorities of the state. The law also defined the following terms: inclusive education, children with SEN, multidisciplinary team and a special teacher definition. Furthermore, at the level of general education, National Education Plan constitutes a document for regulating issues of inclusive education. The term "inclusive education" first appeared in this document in 2005. The Chapter 5 of the National Education Plan also covers inclusive education including school responsibilities in this respect. In 2005, on the level of general education, with the support of the Government of Norway, inclusive education was introduced and developed in 10 public schools of Tbilisi and 10 public schools of 9 regions of Georgia. After the completion of the pilot project in 2012, introduction of inclusive education and promotion of an effective educational process for children with the SEN became compulsory for all public schools. According to the Decree N05/N, dated January 6, 2012 of the Minister of Education and Science of Georgia on the Enrolment of Students in the Institutions of General Education and Termination of the Status of a Student, a child shall be registered as a student in a public school by the parent or his/her legal representative. Based on the form filled out by the parent or his/her legal representative applying the relevant evaluation instruments, multidisciplinary team defines special educational needs of a child. On the

basis of the expert opinion and recommendations of the multidisciplinary team, a teacher creates individual educational plan for the student. Multidisciplinary team consists of 57 members throughout the country. The multidisciplinary group consists of specialists of different professions (psychologist, occupational therapist, psychiatrist, special teacher and etc.) working in all regions of Georgia. For the purpose of achieving of individually defined goal for the student with SEN, the teacher makes change to the educational process or/and National Educational Plan, based on the needs of the student. Furthermore, for supporting inclusive education, in conformity with the Decree N9 of the Government of Georgia, dated January 29, 2013, schools, where the students with SEN receive education, are provided with additional funding. It should be underscored that on the level of general education, the statistics on students with SEN have been collected since 2013. According to the data, in 2013, 3366 students with SEN were enrolled in an education process, while in 2014 there were 3898 students, and in 2015 — 5268 students received education in public schools (3339 boys and 1929 girls). As of March 2016, on a general educational level, 1372 special teachers are engaged in the process of inclusive education. Moreover, in order to provide access to general education, in line with the Decree of the Minister of Education and Science on ensuring transportation School Students, 54 students with SEN are being served with the means of transport. In 2015, Tbilisi City Hall was procured 2 adapted vehicles in 2015, which serves the public schools were get education the students with wheelchairs. In the context of adaptation to physical environment of schools, since 2014, construction of new buildings and rehabilitation projects of existing ones have been in progress in accordance with the Decree N41, dated January 6, 2014 of the Government of Georgia on the approval of Technical Regulation on Arrangement of Space for Persons with Disabilities and Architectural and Planning Elements. As of today, 764 schools have access ramps, 97 adapted restrooms and 8 public schools use elevators.

163. Before 2012, 14 special schools with different disabilities functioned in the educational system of Georgia. In 2012, 6 special schools were closed and other 8 specialized schools were re-established as public schools in accordance with the Decree N448 of the Minister of Education and Science of September 15, 2005, which provides program financing Boarding part of the special schools. Four of the above mentioned schools serve to students with intellectual disorders, 1 for students with visual impairments, 2 for hearing impairments and 1 for students with behavioral and emotional disorders. In 2007, 627 students with special educational needs studied in the specialized schools, while in 2015 there were 449 students.

164. Considering different needs of students with special educational needs, within the frames of the Program on Funding of Integrated Classes in Public Schools, adopted by the Decree N57, dated January 26, 2013, the additional services in the form of integrated classes were established for students with spectrum of autistic disorder, hearing impairments and multiple disorders. As of 2015 data, 9 integrated classes are functioning in different public schools: 1 for students with hearing impairments, 1 for students with multiple disorders, 6 for students with the spectrum of autistic disorder and 1 in the central children's hospital for students suffering from leukemia. It should be underlined that an alternative functioning curriculum is going through piloting for students with intellectual, multilateral and sensory disorders (hearing and visual).

165. A special teacher professional standard is adopted by the Decree N1014 of the Minister of Education and Science of Georgia, dated November 21, 2008. The National Center for Teacher Professional Development introduces Braille system teaching methodology for teachers to teach students with visual impairments. Furthermore, a module for training for the mobility orientation and methodology for teaching of blind students has been elaborated as the sign language teaching course for the teachers and parents. It should be underscored that a special teacher Master's Degree Program was established in Ilia State University in 2013.

166. Until 2007, the sign language was not used in an educational process in Georgia, while the educational process was focused solely on the development of the speech of the students. In 2014, with the support of the Government of Norway and the United States, the detailed processing of the sign language development has been launched. For the development of Georgian sign language, an access to the web-site www.geosignwiki.com

has been granted by the Government of Norway to the Georgian side. For the development of the Georgian sign language, a Georgian dactyl was created as a result of cooperation between the Ministry of Education and Science, Georgian Union of Deaf of Georgia and Ilia State University. Moreover, printing of the Braille school text books for students with visual impairments was launched in 2013. For 2015–2016 academic years, all blind students on the general level of education are provided with Braille text books, also with the applicable educational resources. In 2015–2016 academic years, three blind students were given the opportunity for the first time to study in a public school instead of a boarding school. The students are provided with applicable educational resources and specialists.

167. In 2015, with the initiative of the Ministry of Education and Science of Georgia, by the financial support of the EU and with the assistance of a Non-Governmental Organization "DEA" (Association of Disabled Women and Mothers of Children with Disabilities) a monitoring instrument for the inclusive education has been elaborated. The instrument is based on a unified educational monitoring system model, developed for the pre-school, general, vocational and higher education levels by European Agency for Development in Special Needs Education (EADSNE). A program for the monitoring of introduction of the inclusive education was adopted by the Decree N31 of January 20, 2016 of the Minister of Education and Science of Georgia. Operation of the above monitoring instrument on the levels of general and vocational education is scheduled in 2016.

168. The Law of Georgia on Special Vocational Education and Training does not recognize persons with disabilities as a group with special needs. On the other hand, the Strategy of Vocational Education Reform for 2013–2020, a group with special educational needs and persons with disabilities is listed as one of the target groups.

169. In 2013, for the support of inclusive education and equal opportunities for the development of vocational education for persons with special needs in the system of vocational education, the Ministry of Education and Science of Georgia with the support of the Government of Norway launched a project on Development of Inclusive Education in the System of Vocational Education and Training of Georgia. After passing the examinations, the state gives to the university enrollees the opportunity of free education on the level of vocational training. In case of the enrollees with SEN, a multidisciplinary group defines special educational needs. As a result, the enrollee with SEN can choose three different professions and based on his/her interests and abilities enlist for the applicable one. For introducing the individual methods of approach during the educational process of students with SEN, a special entry was made in the professional modules — textbook for the Education Methodology. According to the latter, a teacher for the vocational education is authorized to adapt the educational process, if necessary. Within the scope of the Program on Development of Inclusive Education in the System of Vocational Education and Training of Georgia, adopted by the Decree N31 of January 20, 2016 of the Minister of Education and Science of Georgia, all students are provided with the service of relevant specialists based on their individual needs. In particular, services provided include the service of sign interpreters for students with hearing impairments; service of the trainers for mobility and orientation for the students with visual impairments; service of the special assistants and assistants for the transport means for the students with the intellectual and/or difficult physical disabilities. Special guidelines have been elaborated for the development of specialists involved in the inclusive vocational education. The guidelines reflect a common vision and recommendations on organization of the educational process for the students with SEN. In 2015, adaptation to physical environment, based on the universal design principles, has been launched in 5 state vocational training schools out of 21 schools. According to the data of 2013–2015, 426 students with SEN enrolled on the vocational education stage.

170. According to Article 3 of the Law of Georgia on Higher Education, a higher education institution takes care for the creation of the appropriate conditions for the students with disabilities. Pursuant to Sub-paragraph "e" of Article 10 of the authentication standard for the higher education institution, "higher education institutions must have an adapted environment for students with special educational needs".

171. According to paragraph 7 of Article 20 of the regulation on conducting of the Unified National Examinations, adopted by the Decree N19/N (18.02.2011) of the Minister of Education and Science of Georgia and pursuant to Paragraph 6 of Article 16 of the regulation on the Conduct of the Master's Degree Examinations, adopted by the Decree N277 (22.02.2009) of the Minister of Education and Science of Georgia, during the registration, an examination center allows person with disabilities to indicate a special need. Based on this note and recommendations by the appropriate specialists, center provides the placement of those enrollees and Master's candidates in the special examination sectors, which require specific testing environment. Moreover, the center ensures the use of Braille for enrollees with impaired vision. Herewith, the Decrees adopted by the Government of Georgia (N218, 23.08.2013 – N449, 27.08.2015) states that if the person with disabilities receives a student's status on the basis of the unified national examination results, he/she is granted with the educational grant accredited to the higher education programs. Within the scope of the above program, 40 students with disabilities were funded in 2014 (34 students for the Bachelor's degree and 6 students for the Master's degree), and 59 students in 2015 (51 students for the Bachelor's degree and 8 students for the Master's degree). As of March, 2016, 67 students with disabilities are studying in the different state and private higher education institutions.

Article 25 — Health

172. Article 37 of the Constitution of Georgia envisages that everyone shall have the right to enjoy health insurance as a means of accessible medical aid. Furthermore, in cases determined by the procedures prescribed by law, free medical aid shall be provided. Pursuant to Article 4 of the Law of Georgia on Health Care, a universal and equal accessibility of health care for the population is provided within the limits of the state obligations undertaken by the state healthcare programs. Regulations concerning the rights of the patient are provided in the report of Article 17.

173. "State Healthcare Program" is annually approved by the respective Governmental Decrees. There are several components within the program that directly correspond to the needs of persons with disabilities (for example the "State Program of Universal Healthcare"). Diagnostics, screening and medical treatment for a number of diseases and conditions are provided in the scope of the "State Healthcare Program". Timely implementation of these actions decreases the risk of the development of the status of person with disability.

174. For the physical accessibility to the healthcare services by persons with disabilities, special approach is foreseen in terms of their safe transportation. This tendency is reflected in the following regulatory documents; in particular, both in the provisions for the licensing of the hospital, as well as in the defined requests for the ambulatory services (Decree No. 385 of the Government of Georgia of December 17, 2010 on "Adoption of the Regulation for Licensing of Medical Activities and Rules for the Issuance of Permits and Conditions for Stationary"; Decree No. 359 of the Government of Georgia of November 22, 2010 on "Adoption of Technical Regulations for the High-risk Medical Activities"; Order No. 01-25/N of 2013 of the Minister of Labour, Health and Social Affairs of Georgia on the Approval of Determination of the Classification of Medical Interventions and Identification of Minimum Requirements in Primary Healthcare Institutions"). Guidelines and protocols adopted by the individual legal acts of the Minister of Labour, Health and Social Affairs of Georgia are focused on the needs of persons with disabilities. The above documents provide detailed descriptions of medical treatments, disease prevention and management measures and additional needs for persons with disabilities. These actions decrease the risks for the development of the status of a person with disability (e.g., Guideline for the treatment and management of schizophrenia in adults, Protocol on management of emergency situations in the general medical practice, Protocol on initial evaluation of children with Down syndrome and management in primary healthcare, Protocol on screening, diagnostics and management of hydrocephaly in pediatric patients, Guideline on management of emergency outbreaks in the general medical practice, etc.). Furthermore, post-graduate and continuing professional development programs include training of

healthcare professionals in specific fields and include a provision of secure and qualified individual medical services to persons with special needs (persons with disabilities), as well as to persons without such needs.

175. Prior to September 1, 2014, children with disabilities and persons with severe disabilities applied the "State Insurance Program", adopted by the Decree N165 of May 7, 2012 of the Government of Georgia. The Program provided persons with disabilities with funding of the scheduled outpatient services, emergency inpatient and outpatient services, planned surgery, chemo therapy, hormone and radiation therapy, and delivery/caesarean section. Following September 1, 2014, the whole population of Georgia, except for 520 000 persons with private insurance, is fully integrated on the same conditions and accessibility to services into the "State Program of Universal Healthcare", adopted by the Decree N36 of the Government of Georgia on February 21, 2013. The State Program of Universal Healthcare also provides with partial subsidizing of pharmaceuticals (annual limit from 50 to 200 GEL, with 50% co-pay for different target groups), pursuant to the list adopted by the Order of the Minister of Labour, Health and Social Affairs of Georgia (N 53/N, February 26, 2010). In addition to this, it is possible to consider the reimbursement of medical expenses (including for persons with disabilities) that are not covered by the above-mentioned program. The latter is based on the decision made by the Commission established for the purpose of taking decision within the referral service program. After analyzing a respective documentation, the Referred Commission (on the basis of appropriate documents from licensed medical facility) considers the possibility of coverage of the costs of medical treatment and determines reasonability of such coverage.

176. A program of "Village Doctors" is implemented under the "State Healthcare Program", adopted annually by the Decree of the Government of Georgia. "Village Doctors" Program serves the purpose of delivery of primary healthcare to rural areas, as well as to the population in the mountain regions and borderline villages, through the transfer of special funding of medical facilities. In 2016, 1283 doctors and 1545 nurses were contracted by the Social Services Agency. Within the scope of the Program, almost 400 doctors and 600 nurses are providing services in hardly accessible highland regions.

177. On April 20, 2015, a Decree N169 of the Government of Georgia on the Approval of the "State Program for the First Stage Management of Hepatitis C", entered into force. The program foresees the components of diagnostics and treatment of persons with Hepatitis C. Within the program, the priority is given to individuals with the compensate and decompensate cirrhosis, persons with liver transplants, patients with clinically important extra hepatic manifestations, persons with F3, F4 fibrosis and beneficiaries with the co-infection HCV of the state program on HIV infection/AIDS. For persons registered in the general database of socially vulnerable families, funding of diagnostics component is provided by 70% of co-financing by the Government, while the rest of the population is reimbursed only by 30%. The treatment component provides medical treatment with new generation drugs each year (Sofosbuvir and Harvoni) and in case of necessity, provision of 20000 patients with interferon and ribavirin is ensured. In 2015, Government of Georgia, together with the US Center for Disease Control and Prevention (CDC) and other international partners (World Health Organization (WHO), United States International Development Agency (USAID), Pharmaceutical company "Gilead") launched 2016–2020 long-term Action Plan for Elimination of Hepatitis C. The Action Plan will be approved by the Government of Georgia by the end of 2016.

Mental health

178. "A Program on Mental Health" operates under the "State Healthcare Program", adopted annually by the Decree of the Government of Georgia. The Program aims at increasing geographic and financial accessibility of the population of Georgia to the psychiatric services. The Program provides for an outpatient psychiatric services, psycho-social rehabilitation, short-term interventions in psychiatric crises, with services of the community-based mobile team for persons with severe mental disorders, acute and long-term psychiatric inpatient services for children and adults, shelters for persons with mental disorders. The program provides the patients with treatment and additional services (safety

and security), where there is a court decision concerning person's hospitalization for coercive psychiatric treatment, based on Article 191 of the Criminal Procedure Code of Georgia. Within the scope of the program, psycho-social rehabilitation is being implemented according to the technical regulations on psycho-social rehabilitation standards, adopted by Decree №68 of the Government of Georgia of January 15, 2014. The regulations are obligatory for all psychiatric institutions, regardless of their organizational-legal form.

Article 26 — Habilitation and rehabilitation

179. Pursuant to Article 13 of the Law of Georgia on Social Protection of Persons with Disabilities, the state shall organize and facilitate formation and development of a medical, professional and social rehabilitation system for persons with disabilities that will serve for the full realization of the rights of persons with disabilities. One of the objectives of the Governmental Action Plan of 2014–2016 on Ensuring of Equal Opportunities for Persons with Disabilities, adopted on January 20, 2014 by the Decree of the Government of Georgia, is to increase access and develop rehabilitation and habilitation services and programs. Similar aim is reflected in the Chapter on the rights of persons with disabilities of the Governmental Action Plan of 2014–2015. "Early Child Development", "Habilitation/Rehabilitation of Children" and "Day Care Centers" sub-programs are implemented within the scope of the "State Program on Social Rehabilitation and Childcare". These programs aim at habilitation/rehabilitation, improvement of the health condition and social integration of persons with disabilities.

180. The goals of the "Habilitation/Rehabilitation of Children" sub-program are the following: specific rehabilitation, habilitation, improvement of physical health, promotion of adaptive capacity and social integration of children of the age of 3 years and older (including children in state care) children with disabilities, as well as children under 3 years with the same conditions, such as children with cerebral palsy, spinal muscular atrophy and related syndromes, muscular dystrophy, congenital myopathy, other (including uncertain) primary damage of muscles, hemi, para and tetraplegia, inflammatory and vascular diseases of central nervous system, inflammatory polyneuropathy, with delivery trauma of peripheral nervous system. The group of children under 18 with Perthes disease is also the target group of the same sub-program. For reimbursing the services determined by this sub-program non materialized voucher shall be applied. Annual plan for rehabilitation/habilitation is elaborated by the multidisciplinary group of specialists (where neurologist, occupational therapist, speech therapist and psychologist are presented), pursuant to the form adopted by the individual administrative-legal act of the Social Service Agency. The program includes the components of therapeutic intervention, supervision by the doctor, neurological review of children and psychological help to the parent or legal representative of the child. According to the sub-program, no more than 7 courses are provided for each beneficiary (each course consists of the period of 10 days). From April 2014, the state provides full financing for the beneficiaries, without co-funding. 5295 courses are financed in the course of the year. Prior to 2013, only 6 organizations were providing these services. From 2014, services are provided additionally in 5 facilities in Tbilisi City Municipality, as well as in 6 districts of Georgia (Kutaisi, Chakvi, Batumi, Telavi, Gurjaani and Gori).

181. The objective of the "Early Child Development" sub-program is to stimulate and socially integrate children with the development impeding risks or disabilities, as well as strengthening of a child and family and prevention of abandonment. The group of children aged 0–7 with the impeded development are the target group of the sub-program (including children with Down syndrome, cerebral palsy, autism and etc.). The Program provides for the service of identification of the early development impediments and the elaboration of an individual plan. Furthermore, the program envisages provision of services by the multidisciplinary group (early development specialist, psychologist, occupation therapist, speech therapist, special teacher and etc.), no less than 8 times a month, based on the needs of children, with both individual and group services for children aged 3–7 years and only individual service for those of the age of 3 years and below. The service can be provided

not only in the medical facility, but also at home and at pre-school facility. The service is provided in Tbilisi, Kutaisi, Batumi, Chkhorotsku, Zugdidi, Telavi, and in Lagodekhi Municipality. The beneficiaries are receiving the service through distribution of a non-materialized voucher, annual limit of which is 495.

182. Children under the risk of abandonment, aged 6–18 years, children with disabilities, aged 6–18 years and persons with disabilities are the target group of the "Day Care Centers" sub-program. As regards the children with disabilities, the sub-program provides beneficiaries with the service of a multidisciplinary group that elaborates and implements annual individual rehabilitation/habilitation program, ensures psychological service and service of the occupational therapist, promotes inclusive education, and provides beneficiaries with transportation and other services. The service is provided in 28 administrative units of Georgia. The service is provided through the distribution of a non-materialized voucher. Total annual amount of vouchers — in case of children with disabilities of different categories is 703 and in case of persons with disabilities — 446. Prior to 2013, 56 centers were functioning throughout the country, including 20 centers for persons with disabilities aged above 18 years, 22 centers for children with disabilities and 14 centers for children under the risk of abandonment. Following 2013, additional 19 centers opened — including 15 centers for children with disabilities, 3 centers for persons with disabilities and one mixed (for children and persons with disabilities).

183. Moreover, since July 1, 2015, Tbilisi Municipality City Hall has been implementing a rehabilitation program for children with autism spectrum disorder. The aim of the program is to stimulate the development of children with autistic disorder spectrum, to improve adaptation functioning and to promote their social integration. Citizens of Georgia, aged 2–15 years, registered at Tbilisi Municipality, which according to the international classification (ICD-10) were diagnosed as the general group with development disorders (F84.0–F84.9) are the target group of the program. In case of necessity of the services of multidisciplinary group (a psychologist, psychiatrist, neurologist, behavioral therapist, occupational therapist, a logopedist, special teacher, etc.), within the scope of the program, several specialists are providing beneficiaries with combined therapy — no more than 20 (at least one hour long) individual sessions, that serve to the purpose of establishment of child's motor, cognitive, social development and self-care skills for independent functioning. Monthly average number of beneficiaries of the program is 308 children.

Article 27 — Work and employment

184. The Constitution of Georgia recognizes the obligations for the protection of labour rights, fair remuneration of labour and safety and health working conditions (Articles 30 and 32). Above obligations are described in details in the Organic Law of Georgia on the Labour Code of Georgia, according to which all kinds of discrimination concerning the race, skin color, language, ethnic and social origins, nationality, origin, property ownership and social status, place of residence, age, gender, sexual orientation, disability, religious, social, political or other affiliations, including trade unions, family conditions, political or other opinions shall be prohibited in the labour and pre-contractual relations (Article 2, part 3). Furthermore, in accordance with the amendments made in the Labour Code on June 12, 2013, definition of discrimination was defined more precisely. In particular, according to the aforementioned Code, discrimination shall be considered as direct or indirect harassment of a person aimed at or resulting in creating an intimidating, hostile, humiliating, degrading, or abusive environment for that person, or creating circumstances for a person directly or indirectly causing their condition to deteriorate as compared to other persons in similar circumstances (Article 2, part 4). The Labour Code also prohibits employment of persons with disabilities for the overtime job (Article 17) and for the night job (from 22:00 to 6:00) without their consent (Article 18). In addition to the Labour Code, discrimination of persons with disabilities by employer shall be impermissible, pursuant to the Law of Georgia on Social Protection of Persons with Disabilities (Articles 21 and 22). It is noteworthy that according to the Law of Georgia on Public Service, recognition by the court as a recipient of support is a restriction for occupying a position of public servant. Pursuant to the same law, status of recipient of support represents a ground for labour

contract termination save the different decision is being delivered by the court. In addition, according to the Georgian legislation, the status of a recipient of support causes termination of political position as well as municipality officials or public and political appointed positions unless different decision is delivered by the court. On the other hand, legislation of Georgia does not imply restrictions for recipients of support in the realization of their labour rights in the private sector.

185. Article 9 of the Law of Georgia on Public Service stipulates that all public servants are equal before the Law and rights of any citizen of Georgia involved in official legal relations may not be restricted or obstructed, irrespective of their disability. Pursuant to Article 49 of the above Law, if the public servant has been injured during the performance of an official duty and recognized as a person with disability, he/she shall receive unitary payment of not more than 5000 GEL; in the similar case, unitary payment of 7000 GEL shall be provided for a person with the special rank of the Ministry of Defense.

186. Within the framework of "State Strategy of Labour Market Formation and its Implementation Action Plan for 2015–2018", adopted by the Decree N732 of the Government of Georgia on December 26, 2014, the Department of Employment Programs of the LEPL Social Service Agency of the Ministry of Labour, Health and Social Affairs of Georgia implemented a state program, adopted on August 31, 2015 by the Decree N451 of the Government of Georgia concerning Professional Training-Retraining and Qualification Raising for Job-seekers. The employment centers are functioning in 62 district centers of the Social Service Agency. Main functions of those centers are to provide job seekers with information, counseling, registration and employment promotion, including through the organization of training/re-training programs. Participation of the less competitive workforce, including the persons with disabilities, is the priority during the implementation of vocational training programs for the unemployed. within the scope of the program, in the course of October–December 2015, 31 persons with disabilities took vocational training course, out of which 1 person got employed. Moreover, the program on development of the employment promotion services was adopted by the Decree N245 of the Government of Georgia, dated June 2, 2015. The purpose of the program is to provide services to the job seekers for professional counseling and career planning, on the level of municipalities. Within the framework of the program, the job seekers are receiving general individual and group consultations in all regional centers of the Social Service Agency. Counseling topics are the following: job search techniques, self-assessment for the conditions of general and specific vacancies, drafting principles of the documents needed for employment, such as CVs and cover letters and techniques for the job interview. As of December 2015, 117 persons with disabilities participated in the group consultations.

187. In addition to the above, based on the Order of the Minister of Labour, Health and Social Affairs (December 19, 2013, order N01-258/O), labor market information management system: worknet.gov.ge, started to operate in the Social Service Agency from December 25, 2013. The goal of the system is to create a database of job seekers, to examine the challenges and to detect mostly required jobs on the labor market and to inform the population on the issues of the career planning. As of December 2015, 1700 persons with disabilities are registered in the system, while 21 persons are employed.

188. From 2013, with the support of the Government of Norway, Government of Georgia is actively working on elaboration of the supported employment model. Above model implies engagement of persons with disabilities and persons with special educational needs to the open labour market, through the support of job coaches. Within the scope of the above process, selection of 10 job coaches and of a coordinator is planned during 2016. In order to fully observe the principles of the supported employment model, the process of recruiting of the job coaches and their training is coordinated by the former President of the Agency of the European Union of Supported Employment (EUSE). In order to study the best practices of the supported employment and to improve competences, a study visit is planned for the selected job coaches in 2016. In addition, in 2016, within the framework of the EU-project "Technical Assistance to VET and Employment Reforms in Georgia" (EUVEGE), 2 trainings are scheduled for the job coaches, that include counseling components of the rights and employment opportunities of persons with disabilities and consultations for job seekers.

189. It is worth mentioning that as of January 2016, 30 graduates of vocational education institutions, with special educational needs, have been employed in various private companies. Furthermore, according to the report of LEPL Public Service Bureau, as of 2015, out of 53109 people employed in public sector, 112 are persons with disabilities.

Article 28 — Adequate standard of living and social protection

190. On December 2, 2008, Parliament of Georgia adopted a Concept on Social Integration of Persons with Disabilities. Social protection of persons with disabilities is one of the priorities of the Concept. Article 24 of the Law of Georgia on Social Protection of Persons with Disabilities envisages the implementation of targeted measures for persons with disabilities, both through providing targeted financial assistance, as well as with technical means. According to the Law of Georgia on Social Assistance (Article 12[1]), persons with disabilities represent one of the recipient groups of a social package. Regulation on Determination of Social Package is adopted by the Decree N279 of the Government of Georgia of 2012 that encompasses determination of social packages by differentiating the categories of persons with disabilities.

191. Georgian legislation defines the status of person with disability based on the requirement prescribed by the Law of Georgia on Medical and Social Expertise. Any person, shall be eligible to pass medical and social expertise, living in Georgia permanently and having disability stemming from the functionality disorder of the body, which is the result of a disease, trauma, anatomical or mental defects. Selection of a medical establishment and conferring authority for the provision of medical and social examination is implemented by LEPL State Medical Control Agency of the Ministry of Labour, Health and Social Affairs of Georgia, based on the decision of the Commission established through an individual administrative act. The state control of medical facility activities is implemented by the Regulations Agency as well. The Agency checks the correctness of a medical opinion, through the selection or/and by necessity. The determination of the Status of persons with disabilities is conducted through medical-social examination, on the basis of the list of diseases, anatomical or mental defects adopted by the normative acts of the Minister of Labour, Health and Social Affairs of Georgia (Decree N62/N on the Approval of Instructions on the Establishment of the Rules for the Approval of the Status of Children with Disabilities of the Minister of Labour, Health and Social Affairs, dated March 17, 2003; and the Decree N1/N on the Approval of the Instructions on Rules Determining the Status of Persons with Disabilities" of the Minister of Labour, Health and Social Affairs, dated January 13, 2003).

192. Based on the severity and degree of a disability, the following statuses may be determined for persons with disabilities: 1. A person with severe disabilities (solid and sharp health disorder provoked by disease, trauma, anatomical or mental defects, that causes limitation any type of capabilities (self-service, movement, orientation, contact, self-control, studying, work capability)) and necessity for permanent care, assistance and supervising arises), the status of which is determined once in a lifetime and without time limits and verification. 2. A person with significant disabilities (solid and significant health disorder provoked by disease, trauma, anatomical or mental defects, that causes significant disabilities), the status of which is determined without verification (for lifetime) or for lifetime following the period of 5 years on the basis of annual verification. 3. A person with moderate disabilities (solid and moderate health disorder provoked by disease, trauma, anatomical or mental defects, that causes moderate disabilities), the status of which is determined once and for lifetime without verification. 4. Children with disabilities, the status of which is determined for the period of 2 years, 5 years or once, before the age of 18 years, on the basis of the severity of the pathological condition, restoration or improvement prognosis of disorders of body systems and functions of organs, following the executed rehabilitation measures. According to the Governmental Action Plan on Ensuring Equal Opportunities for Persons with Disabilities for 2014–2016, the state undertakes a commitment to make drastic reforms to the system on determination of the status of the person with disabilities. At the current moment, for the purpose of replacing of existing medical model with social model of medical and social examination and for determining

individual needs of persons with disabilities and providing them with adequate services, with technical and financial support of United Nations Children's Fund (UNICEF) and the United States Agency for International Development (USAID), a working group of experts has been set up, which shall draw up concrete proposals for the change of an evaluation system for persons with disabilities. Piloting of the new model is scheduled by the end of 2016.

193. Social assistance package for persons with severe disabilities consists of 160 GEL, for persons with significant disabilities — 100 GEL, for persons with moderate disabilities — 70 GEL and for children with disabilities — 160 GEL. Social assistance package increased from September 2015 and affected persons with severe disabilities (increase by 10 GEL) and children with disabilities (increase by 60 GEL). With these amendments, the social assistance package for persons with severe disabilities and children with disabilities equalized to the amount of the age-pension in Georgia (women from 60 years old and men from 65 years old). According to the same Decree, the basis of termination of the social assistance package is the employment of a person with disabilities in public sector. However, Article 24 of the Law of Georgia on Social Protection of Persons with Disabilities states that this does not affect persons with severe disabilities and persons with severe visual impairments. It should be underscored that the employment in the private sector is not the basis for termination of the social assistance package for persons with disabilities of any category.

194. According to Article 82 of the Tax Code of Georgia, taxable income of up to 6,000 GEL received during the calendar year by persons suffering from disability since childhood and by persons with severe and significant disabilities, shall not be subject to taxation. Also, in accordance with the Government Decree N508 of December 29, 2011, persons with severe and significant disabilities are exempted from paying 50% of the fee for applications on following services: 1. 32-page Passport of a citizen of Georgia; 2. biometric Passport of a citizen of Georgia and biometric Travel Passport of stateless persons; 3. The passport of the citizen of Georgia residing in a foreign State. Furthermore, pursuant to the Law of Georgia on Consular Fees, persons with severe and significant disabilities are exempted from paying 50% of consular fees.

195. Article 7 of the Law of Georgia on Social Assistance stipulates that subsistence allowance is considered as a tool for improvement of social and economic conditions of a poor family. Pursuant to the Decree of the Government of Georgia on Approval of the Regulation on Assessment of Social and Economic condition of the Socially Vulnerable Families (households), examination of the family households are carried out through concrete methodology, that aims at evaluation of the social-economic condition of the family. As the result of the evaluation, a general database of socially vulnerable families has been formed, where families are rated, that defines the amount of the subsistence allowance. A new methodology on evaluation of the families was adopted by the Decree N758 of the Government of Georgia, dated December 31, 2014 on adoption of methodology of evaluation of the social and economic condition of socially vulnerable families (households). The above methodology aimed at improving an existing system. Through the new methodology, revision of the data of all families registered in general database for the socially vulnerable families (notwithstanding the rating score) is scheduled in the course of 2016. By December, 2015 — 125 301 families (389 650 persons) were recipients of subsistence allowance.

Article 29 — Participation in political and public life

196. According to Article 28 of the Constitution of Georgia, every citizen of Georgia, who has attained the age of 18, shall have the right to participate in referendum or elections of state and self-government bodies. Hereby, free expression of the will of electors shall also be guaranteed. Second Part of the same Article stipulates that a citizen, who is recognized as legally incapable by a court or who is detained in a penitentiary institution following a conviction by a court, shall have no right to participate in elections and referendum.

197. Organic Law of Georgia on the Election Code of Georgia provides persons with disabilities with equal, full and effective participation in social life. Equal voting rights of all citizens, including universal rights of persons with disabilities to participate in elections/referendums/plebiscites are recognized by Article 3 of the Organic Law. As it is described in the report of Article 12 of the Convention, beneficiaries have the right to participate in elections/referendums/plebiscites, except for persons, who are placed in inpatient mental institutions, pursuant to the Law of Georgia on Psychiatric Care.

198. According to paragraph 3 of Article 65 of the Organic Law of Georgia on the Election Code of Georgia, a voter unable to cast a ballot independently, has a right to invite any other person for assistance in the cabin of the secret ballot, except for the members of the election commission, electoral candidate, representative of the electoral candidate and observers.

199. Article 33 of the Organic Law of Georgia on the Election Code of Georgia envisages for the use of the mobile ballot box, which means that a voter who is unable to visit the polling station for health reasons, has the right to request a ballot box.

200. It should also be noted that the Decree N23/2012 of 2012 of the Central Election Commission (CEC) regulates the procedures related to electoral registration and its cancellation of those members of the Parliament, represented by an electoral subject, who due to the lack of the upper limbs or otherwise limited (temporary/permanent) conditions, are unable to execute independently the procedures (filling out the registration card, written consent to participate in elections, writing/presenting the application for the cancellation of the registration) foreseen by the legislation on electoral registration and its cancellation.

201. At the same time, the Decree N20/2012 dated June 21, 2012 of the CEC provides for the voting procedure of those citizens, who due to the lack of the upper limbs are unable to execute independently the procedures for voting (marking, signature on the receipt of a ballot, putting the ballot in the ballot box).

202. During the past years, adaptation of the polling stations with the needs of persons with disabilities was a serious problem in Georgia. For solving the problem, in 2014, amendments (Article 58, paragraph 1^1) were made to the Organic Law of Georgia on the Election Code of Georgia, pursuant to which the local municipalities are obliged to adapt polling stations for the next Parliamentary elections to ensure free movement and voting conditions for the persons with disabilities. In order to implement the regulations of the above mentioned Law, in 2015, a Memorandum of Understanding (MoU) was signed among the CEC, the municipality of Tbilisi City Hall, the Ministry of Regional Development and Infrastructure of Georgia and the Ministry of Education and Science of Georgia. The undersigned institutions undertook commitments to ensure the development of the inclusive electoral environment for the next parliamentary elections in 2016 within their capacity. In 2015, the number of adapted polling stations amounted to 883 and the number of adapted polling stations during the 2014 Municipal Elections amounted to 464.

203. Since 2012, the CEC is providing the placement of special ballot cabins for the voters in wheelchairs and voters with physical disabilities on the identified polling stations. The CEC has mobile access ramps that are used by request of the voters.

204. Since 2012, in cooperation with the NGOs on the grant basis, the CEC assisted the movement of persons with disabilities through mobile teams and adapted transport means to the polling stations on each elections. Mentioned services increased participation of persons with disabilities in elections.

205. According to paragraph 6^1 of Article 51 of the Organic Law of Georgia "Election Code of Georgia", during the election period, Public Broadcaster is obliged to provide sign interpretation during broadcasting of the issues concerning the elections. Herewith, due to the amendments made to the Organic Law of Georgia on the Election Code of Georgia, (Sub-paragraph "g", of paragraph 1 of Article 50), in 2014, for the first time, the election subject became obliged to place a political/pre-election advertisement on all broadcasters, accompanied by the sign interpretation. It should be noted that during this period all image/informational videos are provided with the sign interpretation for persons with hearing impairments. These videos are circulated in all leading broadcasters, as well as

regional TV outlets. In addition, the CEC actively cooperated with the Public Broadcaster and ensures sign interpretation of election-related news during the election period. Namely, in the course of 2014 Municipal Elections, the live debates aired with sign interpretation for the voters hearing impairments.

206. During the 2014 Municipal Elections, at the identified polling stations, the election administration, by using mobile computers, was distributing the informational video, accompanied by sign interpretation, concerning the procedures for participation in voting. Since voters with hearing impairment were not applying the above service, the election administration for the next 2016 Parliamentary elections will provide the polling stations with special posters, where voting procedures will be visually identified.

207. During the extraordinary presidential elections of 2008 and local self-government elections of 2010, the CEC was providing voters with visual impairments in densely populated areas with the ballots printed in Braille. As a result of the recommendations of the Union of Blind of Georgia, the CEC is not printing the ballots in Braille since 2011, in the view of fact that by the opinion of the Union of Blind of Georgia, the principle of secrecy was violated because of the less applicability of the Braille. Following that and on the basis of paragraph 2 of Article 63 of the Organic Law of Georgia on the Election Code of Georgia, for the 2013 Parliamentary by-elections of 2013 and Presidential Elections of 2013, the CEC implemented a pilot project, which implied independent participation of the blind persons in the elections, with the help of the walking frames. Many problems were revealed after the implementation of the project. One of the main problems is a mixed election system of Georgia. As a result, in 2015, the CEC studied international practice, considering which, piloting of the new project is scheduled for persons with hearing impairments in densely populated areas.

208. In the context of ensuring participation in the elections of persons with partial eyesight, a special magnifying device — the lens sheet, was used for the first time at every polling station during the 2014 Municipal Elections, based on joint initiative of the CEC and the International Foundation for Electoral Systems (IFES). The Experience has shown that the lenses became the most actively used tool for the voters with partial eyesight. As a result, in 2016, the next parliamentary elections, the CEC will provide the placement of at least two special magnifying devices (lens sheet) in all polling stations.

209. In accordance with Article 26 of the Constitution of Georgia, everyone shall have the right to form and to join public associations, including trade unions. According to the Constitution, suspension or prohibition of the activity of public or political associations shall be possible only under a court decision.

210. Furthermore, everyone has the right to join a trade union. According to Article 2 of the Law of Georgia on Trade Unions, trade unions can be established within any enterprise, institution, organization and other places of work. Different regulations are in place when trade unions are established within the Ministries of Defense and Internal Affairs, also in the tax and judicial authorities, in the prosecutor's bodies and State Security Service of Georgia.

Article 30 — Participation in cultural life, recreation, leisure and sport

211. According to Article 34 of the Constitution of Georgia, the state shall promote the development of culture, unrestricted participation of citizens in cultural life, expression and enrichment of cultural originality, recognition of national and common values and deepening of international cultural relations. The Law of Georgia on Culture states that cultural activity is an inalienable human right in Georgia. Citizens of Georgia are equal in cultural life despite of their national, ethnic, religious or language belongings.

212. In 2015, based on the Constitution, domestic and international legal acts, the Ministry of Culture and Monument Protection of Georgia elaborated the document "Culture Strategy 2025". The Strategy defines vision, aims and goals of the state, implementation of which will facilitate gradual solving of the problems and challenges in a long-term perspective. One of the main goals of the strategy project is to guarantee active

participation in cultural life of persons with disabilities and adaptation of the cultural infrastructure according to their needs.

213. Since 2014, to guarantee an access to cultural facilities for persons with disabilities, the Ministry of Culture and Monuments Protection of Georgia launched an implementation of infrastructure projects aiming at maximum adaptation of administrative building of the Ministry and buildings of the organizations under its subordination (museums, theaters, high schools, art schools, music centers, folk ensembles and other, overall 84 organizations). In 2015, the Ministry of Culture and Monuments Protection allocated 4 384 000 GEL, which includes the first phase of rehabilitation and renovation.

214. For the purposes of developing creative, artistic and intellectual potential of persons with disabilities, the Ministry of Culture and Monument Protection annually supports the projects of various natures. In 2014–2015, the Ministry funded activities of the cultural center of the Union of Blind of Georgia and the Union of Deaf of Georgia (in case of the cultural center of the Union of Blind of Georgia — 20000 GEL, and in case of the Union of Deaf of Georgia — 80000 GEL). Within the frames of the different projects, literature has been dubbed, journals with Braille script has been published, concerts conducted, performances held and adolescents have been given classes in foreign language.

215. Moreover, the Ministry of Culture and Monuments Protection of Georgia, in 2014–2015, supported the Organization "Parents' Bridge" which carries out activities for the development of children's paraorchestra consisting of 20 members. Within the frames of the project, members enriched their repertoire and held 5 concerts in 2015. Within the scope of the project "Art for Integration", persons with disabilities and foster children were taught to paint, as well as felt and clay work. Under the project, different museums of Georgia hosted exhibitions of works of persons with disabilities. Moreover, the Ministry supported implementation of a project "Realization of Dreams of Persons with Disabilities with the Puppet Theater", aiming at employing persons with disabilities at the puppet theaters. In 2015, within the frames of the project, representatives of Tbilisi National Puppet Theater visited London Theater "Chickenshed", constituting a leading theater in the field of inclusive art. The purpose of the visit was to train theater employees, share experience, and study the work methodology with persons with disabilities and producing necessary skills. For the purpose of studying of work methodology and producing necessary skills, training of persons with disabilities is planned within the frames of the project.

216. For ensuring accessibility to cultural materials, in 2015, the Ministry of Culture and Monument Protection of Georgia funded the publication of the collection of Georgian literature audio recordings for persons with visual impairments. Within the scope of the project, 15 sets of sound book on CD-R have been created by the blinds and Deaf and Dum Union "HERA" (300 copies). Sound books have been disseminated in 202th school for persons with visual impairments, Tbilisi States University, National Library of the Parliament of Georgia, Sokhumi University, and central libraries of Tbilisi, Kutaisi, Batumi, Gori, Zugdidi, Poti, Rustavi and Telavi.

217. In order to elaborate the strategy for the state sports policy, encourage physical education in general education system and the state strategy goals and objectives for the development of sports, Interagency Coordination Council Fostering State Sports Policy has been established by the Decree N127 of the Government of Georgia, dated May 22, 2013. One of the aims of the Council is to promote civil integration of persons with disabilities. At the same time, the Decree N601 of the Government of Georgia of April 4, 2014, approved the "State Sports Policy Document" which also includes activities concerning persons with disabilities. In accordance with the above Document, persons with disabilities shall be promoted via actively engaging into sport activities.

218. For the purpose of engaging persons with disabilities in recreational and sports events, Ministry of Sports and Youth Affairs of Georgia, in cooperation with the Sports Federation of Persons with Disabilities annually implements relevant projects, including the following: in 2014 climbing training has been conducted, which trained up to 80 persons with disabilities. In 2014, Para Basketball team has been formed and members of the team have been selected. The team consists of 12 sportsmen, equipped with special sport wheelchairs. Para Basketball team continues to train up till now and holds matches. Within

the frames of the project "Horse Riding for Persons with Disabilities", persons with disabilities are given an opportunity to get riding training. In 2014–2015, up to 100 persons with disabilities participated in the program. In 2014, up to 30 youth participated in a training delivering classes to persons with disabilities in felt and clay work. In 2014, up to 100 persons with disabilities joined two inclusive excursion taken place in village Mukhrani and Bolnisi town. In 2014–2015, up to 100 persons with disabilities participated in the camp organized in town Aspindza. 200 persons with disabilities took part in camp activities in two years. Furthermore, sports competitions in draughts, backgammon, chess, rafting, arm wrestling, paragliding, darts and table tennis is organized annually.

219. Tbilisi Municipality City Hall regularly funds various sports tournaments with the participation of persons with disabilities. In 2015, the following tournaments were held: marathon, sailing, bowling, archery, rafting, paragliding, and other sports. Total of 200 persons with disabilities participated in those events. Furthermore, in 2015, Tbilisi City Hall implemented a project aimed at introducing special commentary equipment system at Boris Paitchadze Dinamo Football Stadium for persons with visual impairments. Within the frames of the project, special commentary equipment system has been purchased and 8 specialists have been trained by international experts. With the help of the above system, persons with visual impairments will be able to find a respective radio frequency in their cell phones and radio receivers and listen to the match commentaries. Radio signal covers the whole stadium. Accordingly, the fans will be able to listen to the commentaries from any part of the stadium. Within the scope of the project, commentaries for persons with visual impairment have been carried out several times. In the course of 2016, rugby matches will also provide such service to persons with visual impairments.

220. Ministry of Sports and Youth Affairs annually funds the Paralympic Committee of Georgia. As a result, Paralympic Committee of Georgia carries out number of sports events annually, engaging approximately 1000 professional and non-professional sportsmen with disabilities. These events ensure engagement of sportsmen with disabilities in sports activities and their participation in international sports competitions. Paralympic Committee of Georgia also ensures training and re-training of coaches working with persons with disabilities, in accordance with internationally established standards. In 2015, 30 coaches have been trained in various sports fields, while the training of up to 50 coaches is planned in 2016. Furthermore, in order to develop Paralympic movement, special Olympic movement and arm wrestling of persons with disabilities, the Ministry of Sports and Youth Affairs of Georgia annually allocates the grant-in-aid amounting to 1 million GEL funding up to 200 persons with disabilities, both professional and non-professional sportsmen, participating in various sports events. It should be underlined that in accordance with the information provided by the Paralympic Committee of Georgia, in 2015, the number of sportsmen engaged in Paralympic and special Olympic movement increased by 70%, compared to previous year.

221. In order to increase sport opportunities of persons with disabilities, in 2013, Parasport Development Center started to operate in Tbilisi. In 2015, Tbilisi City Hall completed the construction of a new sports complex. 100 persons with disabilities are trained daily in 10 sports varieties. In 2014–2015, 43 persons with disabilities participated in 22 international tournaments of various categories. Currently, sportsmen with disabilities are being trained for the participation in Rio De Janeiro Paralympic Games.

IV. The situation of boys, girls and women with disabilities

Article 6 — Women with disabilities

222. Article 14 of the Constitution of Georgia reaffirms the equality of men and women before the law. Gender related issues are regulated by the Law of Georgia on Gender Equality. Part one of Article 4 of the above law stipulates that the state shall support and ensure equal rights for men and women in political, economic, social and cultural life. Pursuant to this Law, equality between men and women are regulated in the following relations: labour relations; allocation of state grants in the field of education and science;

equal access to information resources; health care and social sector; family relations, including property issues and child care.

223. In 2009, A Gender Equality Council was set up within the Parliament of Georgia, chaired by the Deputy Speaker of the Parliament. The Council approved an Action Plan on Gender Equality for 2011–2013. Considering the Council of Europe Gender Equality Strategy of 2014–2016, on January 24 2014, the Parliament of Georgia adopted 2014–2016 Action Plan on the Implementation of Gender Equality Policy Activities in Georgia. The Action Plan aims at fighting against gender stereotypes, elimination of violence against women, equal participation of men and women in economic sector, combating gender stereotype traditions, equal access to justice and equal participation in decision-making process. Moreover, on December 27 of 2012, the Parliament of Georgia approved 2012–2015 National Action Plan on the Implementation of UN Security Council Resolutions NN1325, 1820, 1888, 1889 and 1960 on women, Peace and Security.

224. On April 30, 2014, the Parliament of Georgia approved the National strategy on Human Rights for 2014–2020. 14th strategic objective of the Strategy is the Promotion of gender equality, protection of women's rights and prevention of domestic violence. For the purpose of implementation of the Strategy, on July 9, 2014, the Government of Georgia approved a Governmental Action Plan on Human Rights for 2014–2015. Furthermore, Governmental Action Plan on Human Rights for 2016–2017 encompasses relevant chapter on gender equality and empowerment of women, the actions to be taken for combating the violence against women, domestic violence and protection of victims, as well as other activities related to the implementation of UN Security Council Resolutions for Women, Peace and Security.

225. In order to increase participation of women in political life, on July 29, 2013, amendments have been made to the Organic Law of Georgia on the Political Union of Citizens. Sub-paragraph 7^1 was added to Article 30 of the Law, which stipulates that the election subject receiving funding from the state budget in accordance with rules prescribed by this Article, will receive from the state budget 10% of supplement, if in the nominated party list (local self-government elections — all party list) it includes at least 30% of different gender in each 10 candidates.

226. In accordance with the amendments made to the Labour Code of Georgia in 2013, both maternity leave remuneration (from 600 GEL up to 10000 GEL) and period (from 4 months up to 6 months) has been increased. Second section of article 17 of the Code prohibits an overtime employment of a pregnant woman, a woman in a postnatal period or a person with limited capabilities without her/his consent. According to Article 37 of the same Code, after an employed women notifies an employee on her pregnancy, it is prohibited the cease an employment contract, if the women is on a maternity leave, is in labour or taking care of her child.

Article 7 — Children with disabilities

227. In 1994, Georgia acceded to the UN Convention on the Right of the Child. Four periodic reports on the implementation of the Convention has been prepared by the state. Last Report was submitted in 2013, elaborating on the details of the situation regarding the protection of Children's rights in Georgia.

228. According to Article 1197 of the Civil Code of Georgia, the parents shall have equal rights and duties with respect to their children; child shall have the right to live and grow up in a family. Georgian legislation envisages respect of children's opinion in various fields and their participation in issues affecting them. In particular, Article 1206 of the Civil Code of Georgia stipulates that the deprivation of parental rights shall be possible on the initiative of a child, who has attained the age of 14, and parental rights and duties may be reinstated only by legal proceedings initiated by the child. (Article 1209 of the Code). Furthermore, the Law of Georgian on Adoption and Foster Care prohibits the adoption and foster care of a child aged 10 or above without his/her consent. Antidiscrimination principles are consolidated in the Law of Georgia on Elimination of All Forms of Discrimination, discussed in depth in the report of Article 5.

229. Since 2004, Georgia has been implementing the Child Welfare Reform. The main priorities of the reform is to close large childcare institutions and substitute them with alternative services (foster care, small family-type houses), as well as enhancement of biological families and increase their social functioning. Strategic directions of the reforms are reflected in the Governmental Action Plan and relevant normative acts, in particular: Law of Georgia on Adoption and Foster Car, Licensing of Educational Activities, General Education and number of other legal acts stemming from these laws. At the initial phase of the reform, there were 48 large childcare residential-type facilities in Georgia (schools/boarding houses), accommodating 5000 children. As a result of the reform, 46 large institutions have been closed. Currently, there are two medium-size childcare institutions operating throughout Georgia for children with disabilities (0–7 years and 7–18 years). As of 2015, both of these facilities accommodated 81 children with disabilities. For continuing the process of deinstitutionalization and gradual closure of the above institutions, on January 14, 2016, a Memorandum of Understanding (MOU) was concluded among the LEPL Social Service Agency, the Ministry of Labour, Health and Social Affairs of Georgia and UNICEF. The MOU aims at establishment and development of alternative services for children with disabilities, resembling to the family environment. Based on the MOU, in 2016 on pilot small family-type house is planned to start operation for children with disabilities, which shall trigger the development of other services in other regions. This process will make it possible to complete the process of closure of large childcare facilities. Moreover, one of the chapters of the Governmental Action Plan on the Protection of Human Rights for the years of 2016–2017, lists the continuation of deinstitutionalization process as one of its main priorities.

230. Within the frames of the "State Program on Social Rehabilitation and Child Care", for the purpose of rehabilitation/habilitation of children the state implements target sub-programs ("Early Child Development, "Habilitation/Rehabilitation of Children" "Day Care Centers". These programs are discussed in the report of Article 26) and alternative services for child care (foster care and sup-programs on small family-type children's houses). It should be underlined that the sub-program on foster care covers the components of specialized foster care, targeting children with disabilities deprived of parental care. In 2014, foster care families accommodated 156 children with disabilities, while in 2015 their number boosted up to 182. As it is considered in the report of Article 19, in 2015, 14 children with disabilities were accommodated in small family-type children's houses.

231. As regards the support of biological families and increase of their social functioning, in 2015, in accordance with the new targeted social assistance system in force since 2015 (developed with the support of UNICEF and World Bank), all families with children whose rating score in the general database of socially vulnerable families does not exceed 100,000, are entitled to receive additional monetary assistance. Furthermore, a sub-program on emergency aid to families with children is ensured within the frames of the "State Program on Social Rehabilitation and Child Care". Within the scope of this sub-program, families being in need of emergency assistance are provided with necessary goods not exceeding 1000 GEL. Program on Mothers and Children is also implemented within the state program. According to the program, services are provided to mothers encountering different problems or pregnant women not less than on their 26th month of pregnancy, with their child (children) of age 10 being under the risk of abandonment. The program envisages the provision of 24-hour shelter, fostering formal and informal education and psychological services. Services are provided in Tbilisi and Kutaisi and the total number of beneficiaries, receiving services simultaneously, does not exceed 15 persons in case of Kutaisi and 58 persons in case of Tbilisi.

232. "State Healthcare Program", annually approved by the Decree of the Government of Georgia, is equally available to all categories of Georgian population under the age of 18, including children with disabilities. Regarding insurance of medical care of children with disabilities within the frames of the program, a component of mental health of children, screening of newborn and children, management of diabetes of children, early detection of diseases, screening and management program of oncological diseases shall be highlighted.

V. Specific obligations

Article 31 — Statistics and data collection

233. Statistics related to persons with disabilities in Georgia is carried out on the basis of the number of persons with disabilities receiving a social package, granted a status under the Law of Georgia on Medical and Social expertise and the Instruction on Definition of the Statues of Persons with Disabilities, approved by the respective Orders of the minister of Labour, Health and Social Affairs of Georgia (discussed in depth in the report of Article 28). Accordingly, existing statistics does not fully reflect the actual number of persons with disabilities. As of December 2015, totally 124 065 persons with disabilities are registered as recipients of social package in Georgia. This number constitutes 3.34% of Georgian population (3 713 804 people, as of November 5, 2014). The above number includes: persons with severe disabilities — 24 776; persons with significant disabilities — 75 753; persons with moderate disabilities — 14 262; children with disabilities — 9 274. Statistical data related to persons with disabilities are stored and protected at the LEPL Social Service agency. Report on Article 22 provides detailed information on regulations related to the personal data protection.

Article 32 — International cooperation

234. Relevant government agencies cooperate with international organizations and counterparts from different countries, working in the field of the protection of the rights of persons with disabilities. Specific examples of this cooperation can be found in the report covering implementation of Articles 9, 24, 27, 28 and 33.

235. An important project, called "Implementation of the UN Convention on the Rights of Persons with Disabilities, as a condition for Professional and Social Activation of Persons with Disabilities", was implemented in the framework of the Polish Development Cooperation Program of the Ministry of Foreign Affairs of the Republic of Poland. The project was carried out by the Georgian branch of an international NGO "Global Initiative on Psychiatry" in partnership with the Helsinki Foundation for Human Rights (HFHR). In the framework of the project, in 2015, Polish experts conducted trainings for the representatives of Georgian NGOs, the Public Defender's Office and various government agencies. The experts shared Poland's experience of implementation and monitoring of the convention. Within the scope of the project, a study visit for the representatives of NGOs and government agencies working on the rights of persons with disabilities was conducted in Poland in 2015. The participants received a first-hand experience from Polish colleagues on the issues of implementation of the convention, various institutional mechanisms in place, the local system of inclusive education and rehabilitation institutions and social enterprises.

Article 33 — National implementation and monitoring

236. On October 27, 2014, at the 6th meeting of the State Coordination Council working on the issues of persons with disabilities, the government defined bodies responsible for the implementation of the convention at the national level (focal point), coordination mechanism of the implementation process and an independent mechanism for promotion, protection and monitoring of the implementation of the convention. The Coordination Council was assigned the responsibility for the implementation of the convention. The Human Rights Secretariat under the Administration of the Government was determined as a coordination body for the implementation process of the convention, while the Public Defender of Georgia was named as the monitoring body.

237. The Coordination Council working on the issues of persons with disabilities since December 15, 2009, represents a permanent advisory body of the Government of Georgia on the issues related to persons with disabilities. The Council is chaired by Prime Minister and composed of the representatives of nine ministries, the Chairmen and the Deputy

Chairman of the Committee on HealthCare and Social Affairs of the Parliament, representatives of ten NGOs working on the issues related to persons with disabilities. The representatives of NGOs are elected every two years through elections conducted among the NGOs working on respective issues. The Human Rights Secretariat under the Administration of the Government acts as a secretariat of the Council, tasked with coordinating the process of implementation of the convention. The Secretariat operates since 2014. Its main function is to coordinate and monitor the implementation process of the National Strategy on Human Rights for 2014–2020 approved by the Decree N2315-IIS of the Parliament of Georgia, dated April 30, 2014 and the following Governmental Action Plans on Human Rights. At the moment, the Government of Georgia with the support of the UN agencies (UNDP, OHCHR, UNICEF) is working on the reform of the Coordination Council and enhancing effectiveness of the Secretariat. In March 2016, UNDP selected international expert to conduct a study of international practice of implementation of the convention and its coordination mechanism and carry out a survey of all stakeholders and identify challenges of the existing mechanisms in Georgia. The experts shall elaborate recommendations on the best models of implementation of the Convention and its coordination mechanisms. The Government of Georgia plans to develop such mechanisms based on the experts' recommendations.

238. Since 2015, according to structural amendments made in the Public Defender's Office, a special department of protection of rights of persons with disabilities was established, which elaborated a concept of promotion, protection and monitoring of the implementation of the Convention in 2015. According to the concept, the Consultation Council, operating since July 2015, represents an advisory body defining priorities for monitoring of the implementation of the Convention. The Council consists of the representatives of the Public Defender's Office (including an Ombudsman) and non-governmental and international organizations working on the issues related to persons with disabilities. The Council members were elected through competition, based on the criteria agreed upon with the organizations working on these issues. The Council elaborated 2016–2017 Action Plan on the Promotion, Protection and Monitoring of the Convention. According to the priorities defined by consultative council, in order to carry out monitoring and thematic surveys, a group of five members was set up through an open competition for monitoring the implementation of the Convention.

239. After the ratification of the Convention, coordination councils working on the issues related to persons with disabilities have been set up in self-governing bodies. As of March 2016, the above councils are established in 22 out of 75 self-governing bodies. Establishment of these councils at the local level represents one of the activities envisaged by the Government Action Plan on Ensuring Equal Opportunities for Persons with Disabilities for 2014–2016.